



**Convention on the  
Rights of the Child**

Distr.  
GENERAL

CRC/C/65/Add.29  
13 July 2004

Original: ENGLISH

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE  
44 OF THE CONVENTION**

**Second periodic report of States parties due in 1997**

**BELIZE\***

[28 February 2003]

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\* For the initial report submitted by Belize, see CRC/C/3/Add.46; for its consideration by the Committee on 14 and 15 January 1999, see (CRC/C/SR.511-513) and CRC/C/15/Add.99. The annexes may be consulted in the files of the secretariat.

\*\* The present document has not been formally edited before being sent to the United Nations translation services and is being circulated as received.

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**ACRONYMS**

AIDS	Acquired Immune Deficiency Syndrome	ILO	International Labour Organisation
ARI	Acute Respiratory Infection	IMR	Infant Mortality Rate
BCVI	Belize Council for the Visually Impaired	MCH	Maternal and Child Health
BFLA	Belize Family Life Association	MED	Ministry of Economic Development
BNTF	Basic Needs Trust Fund	MHD	Ministry of Human Development, Women and Children and Civil Society
BSS	Basic Social Services	MM	Ministerial Meeting on Children and Social Policy in the Americas
BYDC	Belize Youth Development Centre	MoE	Ministry of Education
CAC	Children's Advisory Committee	MoH	Ministry of Health
CARICOM	Caribbean Community	NCFC	National Committee for Families and Children
COMPAR	Community and Parenting Empowerment Project	NDACC	National Drug Abuse Control Council
CRC	Convention on the Rights of the Child	NGO	Non-governmental Organisation
CRD	Community Rehabilitation Department	NHDAC	National Human Development Advisory Committee
CRO	Community Rehabilitation Officer	NHI	National Health Insurance
CSO	Central Statistical Office	NHIS	National Health Information System
DHS	Department of Human Services	NOPCA	National Organisation for the Prevention of Child Abuse
DPT	Diphtheria Pertussus Tetanus vaccine	ORT	Oral Rehydration Therapy
EPI	Expanded Program of Immunisation	PAHO	Pan-American Health Organisation
FHS	Family Health Survey	PHB	Public Health Bureau
FSD	Family Services Division	PHC	Primary Health Care
GDP	Gross Domestic Product	PPU	Policy and Planning Unit (MHD)
GOB	Government of Belize	QUADS	Quality Assurance and Development Services
HIV	Human Immuno-deficiency Virus		
HRCB	Human Rights Commission of Belize		

SEU Special Education Unit (MoE)

SHAPES School Health and Physical  
Education Services

SIC Social Indicators Committee

SIF Social Investment Fund

STI Sexually transmitted infection

TBA Traditional Birth Attendants

TFR Total Fertility Rate

U5MR Under-Five Mortality Rate

UNESCO United Nations Educational,  
Scientific and Cultural Organisation

UNHCR United Nations High  
Commission for Refugees

UNICEF United Nations Children's Fund

UNDP United Nations Development  
Programme

WHO World Health Organisation

WSC World Summit for Children

YEA Youth Enhancement Academy

YES Youth Enhancement Service

YMCA Young Men's Christian  
Association

YWCA Young Women's Christian  
Associatio

## INTRODUCTION

1. This Second Periodic Report covers the five year period since the preparation of Belize's Initial Report of 1996. It notes improvements in Belize's compliance with the Convention on the Rights of the Child (CRC), in terms of legislative reform, enabling administrative arrangements, programs and services, as well as parallel shortcomings in a range of provisions for children, many of which demand urgent redress. Consequently, attention is also given in this report to identifying priorities for concerted action in order to strengthen Belize's compliance with the CRC over the next few years.
2. At the outset, the Government of Belize (GOB) reaffirms its ongoing and strong commitment to respect and ensure observance with the intentions, provisions and obligations of the CRC. In the period since preparing and submitting its Interim Report to the Committee on the Rights of the Child in 1996, GOB has undertaken a number of further reforms and improvements in the legislative, administrative, policy and service frameworks in support of the enhancement of the rights of children and of the quality of and access to accompanying programs and assistance. Fundamental to such progress has been GOB's close collaboration and partnership with a range of national and local non-government organisations (NGOs) and international and multilateral agencies.
3. At the same time, GOB continues to fully participate in the formal regional mechanism of Ministerial Meetings (MMs) on Children and Social Policy in the Americas to evaluate at regular intervals the progress made toward attaining the specific development goals adopted at the 1990 World Summit for Children (WSC). Belize has participated in such biennial meetings since their inception in 1992. The most recent MM was held in Jamaica in October 2000 with the main objectives of:
  - Reporting on national progress made toward the Lima Accord (1998), which encompassed all WSC goals; and
  - Utilising the lessons learned during the past decade, as a contribution to the present decade's Agenda for Children in Latin America and the Caribbean.
4. Of particular note within the Caribbean sub-region, Belize hosted the major gathering of CARICOM member states at the 1996 Caribbean Conference on the Rights of the Child: Meeting the Post Ratification Challenge. Insofar as Belize's embrace of its membership of the global community, since 1996 Belize has also joined as a State party to a number of multilateral agreements relevant to the child.
5. At the national level, GOB has taken significant steps to strengthen the central legislative and administrative base in advancing the rights of the child. The Families and Children Act 1998 establishes the major legal framework in this regard, and is reported upon in more detail at Chapter I.
6. In addition, and essentially to strengthen arrangements for alternatives to incarceration in the juvenile justice system, the Community Rehabilitation Department (CRD) was established in early 2001 within the Ministry of Human Development, Women and Children and Civil Society (MHD). That Department aims to reduce the rate of imprisonment of minor offenders, enact 1983 legislation which provided for the application of Community Service Orders, and give a clearer focus to community rehabilitation efforts. Its major responsibilities are the coordination and administration of Community Service Orders, the Youth Hostel, and probation and parole services, and CRD's creation

also eases the enormous burden on the Department of Human Services (DHS) (previously the Department of Human Development). The Penal System Reform (Alternative Sentences) Act 2001 came into effect in early 2002 and gives legislative substance to GOB's reforms of the juvenile justice system by prescribing the responsibilities of CRD and the provisions for alternatives to imprisonment (for adults as well as young people). These matters are discussed in Chapter VIII, Section B.

7. Belize continues to suffer from inadequate data collection by various Government agencies and consequential problems in collating core statistical indicators. This is evident from the table of data concerning World Summit Goals ([Attachment C](#)). Several associated points need to be made at the outset. First, many data, whilst reliable, need to be treated with caution, as Belize's small population base means that some data may fluctuate markedly from year to year without indicating an associated trend (this is the case, for example, with data on mortality and infectious diseases). In such cases, it may take some years of performance within specified indicative benchmarks to be sufficiently confident of sustainable progress in that area.

8. Second, data presented in this report relate to the period prior to Hurricane Iris, which hit Belize on 8-9 October 2001 and devastated large areas of the southern districts of Toledo and Stann Creek. Toledo, in particular, suffers from substantial concentrations of the most vulnerable, isolated and impoverished communities. An estimated 10,000 children were left homeless by Iris, and the difficulties newly confronting many already disadvantaged children are not able to be formally incorporated into this report. In addition, Hurricane Iris also meant that many records were lost and relevant social research deferred in the wake of reconstruction efforts (for example, the current Poverty Assessment Study). It is further worth noting that, when Hurricane Iris hit, Belize was still in the process of reconstruction efforts following the effects of Hurricane Keith in 2000 (which mainly hit the popular northern tourist reef resorts) and Hurricane Chantelle of mid-2001. Collectively, these three hurricanes inflicted an estimated \$1 billion damage on Belizean households and communities, agricultural industries and tourism markets. As far as possible, this report does, however, include information since Iris (to the end of 2001) on programs and services, legislative and administrative infrastructure, and the general situation affecting children in Belize, but it is emphasised that the socioeconomic situation confronting many children has consequentially deteriorated – albeit temporarily – in that period, and it has been essential for GOB and many international and multilateral agencies to divert resources into emergency operations.

9. Third, the Social Indicators Committee is well-placed to address questions of agency data collection and the filling of gaps in missing data records, and to assume a 'clearinghouse' role on social sector research and statistics. Finally, disaggregated data from the national Population Census 2000 are only currently becoming available. This may mean that some data in this report may be capable of being updated or elaborated in the coming months.

10. For all the progress which Belize has made since its Initial Report, there remain a number of areas where children continue to suffer from poor access to services, inadequate assistance and persistent disadvantage. These are commented on within the report, but include:

- persistent problems in school participation and retention during the years of compulsory schooling;
- renewed risks from a reduction in early childhood screening for disabilities as Government ceased its service provision role in disability services;



- continuing unsatisfactory levels of birth registration, especially within more remote parts of the nation;
- a deteriorating situation concerning HIV/AIDS, particularly insofar as it impacts women and children;
- ongoing high levels of youth offending and violence, especially in urban areas;
- evidence of a deepening unemployment and underemployment crisis for women in particular (significant, given the high proportion of female-headed households); and
- persistent (although declining) high rates of teenage pregnancy.

11. These are all problems which Government acknowledges as an essential prerequisite to adequately confronting the concomitant public policy challenges. Such issues are also evident in the presentation of principal statistical indicators according to the World Summit Goals (see Attachment C).

12. The National Committee for Families and Children (NCFC) continues to serve as the primary mechanism to coordinate and monitor efforts to implement the CRC in Belize. In the first two to three years since the Initial Report, the NCFC produced various practical instruments, such as the publication, A Right to a Future (1996) (an update of the initial 1994 issue), manuals for the establishment and operation of child day-care centres, and the preparatory work in drafting the Families and Children Act 1998. Following changes of personnel and in the composition of the Committee (which included the removal of the Chief Statistician and temporary removal of the Director of the Family Court) and a loss of focus and momentum, it is widely considered that the NCFC became largely non-functional. In late 2001, the Government appointed a new Chairperson, Executive Director and Program Coordinator, and commenced reestablishment of its work program and of a functional Committee. NCFC has been implementing an ambitious and focussed work program throughout 2002. In mid-2002, it received a substantial (87%) increase in GOB funding.

13. The Belize-hosted 1996 Caribbean Conference on the Rights of the Child included significant input by children and young people. Following that Conference, the United Nations Children's Fund (UNICEF) resourced the establishment of a national Children's Advisory Committee (CAC), comprising children drawn from across the country and representative of different sectors, including children in institutions. The CAC works in close cooperation with the revitalised NCFC.

14. Together, it is apparent that, in the period since the Initial Report, Belize has markedly strengthened its national coordinating framework, accompanying legislative foundations and enabling service delivery effort. This is not without due recognition of enormous efforts which need to be taken in Belize in addressing the needs and rights of children. This first Periodic Report attempts to objectively acknowledge such areas of work, alongside reporting on progress achieved in the past six years.

## I.GENERAL MEASURES OF IMPLEMENTATION

### Article 4

States Parties shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

15. As foreshadowed in the Initial Report – and advised in the supplementary report to the Committee in 1998 – GOB adopted and implemented the Families and Children Act. This Act resulted from almost three years of consultation by the NCFC in the period 1995-97. The long title of the Act states that it is an Act

“to reform and consolidate the law relating to families and children; to provide for the care, protection and maintenance of children; to make provision with respect to the fostering and adoption of children; to repeal the Adoption of Children Act, ... the Family Maintenance Act, ... the Infants Act, the Status of Children Act, ... the Children Born out of Wedlock Act, [and]... the Legitimacy Act ”.

16. The Act attempts to provide a comprehensive legislative framework for the care and protection of children and families in accordance with the principles and provisions of the CRC. The Guiding Principles of the Act are set out in its First Schedule, and embody fundamental tenets to guide the courts and others in the determination of issues regarding children. Section 1 provides that:

“ Whenever the state, a court, a Government agency or any person determines any question with respect:

- a) o the upbringing of a child; or
- b) the administration of a child’s property or the application of any income arising from it; the child’s welfare shall be the paramount consideration

Section 4 (c) of the First Schedule states that a child shall have the right:

“ to exercise, in addition to all the rights stated in this Schedule and the Act, all the rights set out in the U.N. Convention on the Rights of the Child with appropriate modifications to suit the circumstances in Belize, that are not specifically mentioned in the Act or in this Schedule”.

- To strengthen that legislation, amendments were made in 1999 to that Act as well as to the Criminal Code. These amendments provided, inter alia, for:
- the mandatory reporting of cases of child abuse;
- the treatment of rape within marriage as a criminal offence;
- a formal mandate for the NCFC; and
- raising the age of criminal responsibility from 7 years to 9 years.

17. Initial efforts to ensure a comprehensive national strategy for children (the drafting in the early 1990s of a National Plan of Action for Children), was subsequently subsumed into work on a National Plan of Action for Human Development, consistent with the regional initiative of Central American Presidents. This was completed in 1994, but has never been formally adopted. Effectively, the mechanism now responsible for associated monitoring and oversighting of such effort, and for ensuring implementation of the CRC, is the NCFC. At the same time, MHD remains responsible for Government's policy development and coordination, and for the development and delivery of associated services and programs to families and children, through its Family Services Division (FSD), DHS.

18. This requires close collaboration between NCFC and FSD personnel, as well as between NCFC's Executive Director and the Minister for Human Development, Women and Children and Civil Society (hereinafter "the Minister for Human Development"), and such liaison and cooperation has been variable, but is presently strong. In the first instance, responsibility for any periodic evaluation of progress in the implementation of the CRC – beyond the five-yearly preparation of Periodic Reports – rests with the NCFC. In addition, GOB undertakes periodic reviews in the process of preparing reports to the regional MM forum, including reference to performance against the goals of the Lima Accord (which embraces all of the World Summit Goals).

19. The amendment to the Families and Children Act in 1999 explicitly established the NCFC in legislation (new Part XII). The terms of reference of the Committee are:

(a) “promoting, monitoring and evaluating the implementation of the Convention on the Rights of the Child, and ensuring that the Government meets its national and international obligations as a party to the Convention;

(b) promoting, monitoring and evaluating the implementation of the goals reached at the world summits on the Convention on the Rights of the Child, through the Belize National Plan for Human Development, Children and Youth;

(c) promoting public awareness on the national legislation affecting families and children, and facilitating effective and efficient planning and coordination of efforts among and between non-governmental organisations, service clubs, churches and other organisations involved in the provision of services for families and children;

(d) ensuring that the various institutions, communities and homes in Belize understand and apply the standards of protection and care of children set out in this Act and regulations made hereunder and in the Convention on the Rights of the Child within their institutional, community or family setting;

(e) recommending and advocating to, and at different levels and institutions of, the Belizean society for:

(i) policies for the care, protection and maintenance of families and children in Belize,

(ii) the contribution of resources from the international community and the local private sector.” (S. 149)

20. The twelve members of the Committee are appointed each twelve months by the Minister, and are required to be representative of Governmental and non-governmental agencies concerned with the welfare of families and children. Members may be reappointed. The Minister or her nominee is the chairperson of the Committee, and the Executive Director is an ex-officio, non-voting member. It needs to be acknowledged that, whilst the present Government has taken important steps to formalise the role of NCFC, there has been some widespread dissatisfaction with its failure to act soon enough to address the internal operational difficulties of the Committee. A number of NGOs feel that the loss of momentum of the work of NCFC in recent years has been very costly in terms of safeguarding – let alone advancing – the rights of children. By the end of 2001, the Minister's action in appointing a new Chairperson and recruiting new staff was quickly rekindling confidence across the sector that the lost ground would be in large part recovered. Generally, relevant stakeholders consider that NCFC ought to especially focus on the monitoring and oversighting of the CRC, the coordination of families' and children's agencies, and the facilitation of Ministerial policies and actions.

21. There are two primary means of coordination of the activities of government agencies relevant to the CRC:

- the National Human Development Advisory Committee (NHDAC), which oversights the development and delivery of services and programs, the development of policies, and conduct of research; and
- the Social Indicators Committee (SIC), which oversights the collation of social sector statistics, monitors the quality of such statistics, and reviews national performance against such indicators.

22. NHDAC replaced and extended the role of the previous National Assessment Team, which had oversighted national poverty assessments. Following the release in 1996 of the Poverty Assessment Report, it was agreed that a restructured body should continue and, in 1997, Cabinet formally established the Committee, which "is a multi-sectoral working committee mandated by the Government of Belize to (a) provide informed advice on the development of sustainable human development policies and programmes, with special emphasis on poverty elimination, and (b) to monitor implementation of agreed policies and programmes".

23. It is chaired by the CEO, Ministry of Economic Development (MED), and its membership includes representation from the Ministries of Finance, Health, Education, Human Development, Rural Development & Culture, Natural Resources and the Central Statistical Office (CSO), UNICEF and the United Nations Development Programme (UNDP), Trade Union Congress, Basic Needs Trust Fund (BNTF), University of Belize, Social Investment Fund (SIF), the British High Commission (development agency), two NGOs and a representative from each of the six districts (village council or rural development associations). The Committee normally meets monthly, and – along with NCFC – served as the formal government body oversighting the preparation of this Periodic Report (with primary Governmental liaison with MHD).

24. SIC was established in 1996 and is jointly chaired by the CSO and MHD's Policy and Planning Unit (PPU) (formerly the Social Planning Unit). Membership is functional, comprising the heads of policy and planning units within the Health and Education Ministries, Housing, CSO, Economic Development, NCFC, UNICEF, SIF, Belize Family Life Association (BFLA), and Belize Social Security Board, plus the Central Bank and Chamber of Commerce as required. That Committee

generally overlooks social sector statistical processes, as well as relevant studies and research, including monitoring ad hoc independent research, especially by external individuals and agencies, and occasionally publishes national social statistics. It is well-placed to address questions of agency data collection and the filling of gaps in missing data records. It produced the Social Indicators Report 1996 in 1998, and had intended similar publications biennially, but lost impetus in the late 1990s, and has only in mid-2001 been revived, and is currently planning an updated publication (with statistical returns currently with participating agencies). The Committee is able to assume a 'clearinghouse' role on social sector research and statistics, and will seek to strengthen its role in capacity-building within key social sector agencies in the generation and analysis of key indicative data. In 2002 it commenced a review of its capacity in order to substantially strengthen its roles.

25. GOB budgets don't readily permit disaggregation of outlays with respect to children. It is, however, a persistent challenge to the Government to be able to commit sufficient recurrent budget resources in order to give adequate effect to the legislative and policy framework which Government embraces. One recent reminder of this was the need to divert substantial scarce resources for reconstruction of essential facilities such as housing and schools following several hurricanes. Nevertheless, it is worth noting that a 1998 study of expenditure on basic social services (BSS) (Avila et al 1998) concluded that:

- there have been solid annual increases in BSS expenditure, rising from 3.8% of gross domestic product (GDP) in 1980 to 6.4% of GDP in 1996;
- per capita GOB expenditure on BSS increased in that period by 130%, whilst that for social services in general grew by 86%, and total government expenditure per capita grew by 36% (so that there has been much better targeting of government budgets to BSS);
- although the ratio of GOB expenditure to GDP experienced no real growth between 1980 and 1996, the relative ratio of social services and BSS to GDP increased by 34% and 68% respectively;
- with respect to the 20/20 Initiative, the 1996 figure for GOB was 20.3%<sup>1</sup>; and

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<sup>1</sup> The 20/20 initiative advocates a mutual commitment by developing country governments and developed country donor governments to respectively commit at least 20% of public budgets and 20% of donor aid funds toward basic social services within the developing country. In marked contrast to Avila *et al*, the National Human Development Report 1998 (NHDAC, 1999, p. 45) puts Belize's 1998 figure (human expenditure ratio) at 8.9%. The difference seems attributable to difficulties in disaggregating GOB annual estimates of expenditure, and in determining what data comprise BSS outlays.

- the corresponding figure for external donor assistance for 1996 was 11.4%, although the study noted that

“ the annual average of external donor commitment for Belize has declined from US\$28.7m during the 1980s to US\$25.3m in the 1990s. Worst yet the level of disbursed funds for Belize has declined from 74.6% in the 1980s to 54.1% in the 1990s”.  
(Avila et al 1998, p. 7)

26. This suggests that GOB budget provision for BSS and, by inference, children, has markedly improved over the years, but that the targeting of external donor assistance needs improving, and is occurring within a shrinking total amount of funds.

27. It would be valuable for NCFC to undertake an overview of GOB outlays for children, including of trends in annual budget outlays for children across government, subventions to NGOs related to services to children, and possible steps which GOB could take to make such outlays more transparent within the budget reporting process.

28. Since 1996, Belize has also joined as a States party or signatory to a number of international instruments relevant to the rights and interests of the child, including:

- ILO Convention No. 100: Equal Remuneration Convention 1951 (ratified 22 June 1999)
- ILO Convention No. 111: Discrimination (Employment and Occupation) Convention 1958 (ratified 22 June 1999)
- ILO Convention No. 138: Minimum Age Convention 1973 (ratified 6 March 2000)
- ILO Convention No. 156: The Workers with Family Responsibilities Convention 1981 (entered into force 22 June 2000)
- ILO Convention No. 182: Worst Forms of Child Labour Convention 1999 (ratified 1 March 2000)
- UN Convention on the Elimination of All Forms of Racial Discrimination 1966 (ratified 14 November 2001)
- UN International Covenant on Economic, Social and Cultural Rights 1966 (signed 6 September 2000)
- UN International Covenant on Civil and Political Rights 1966 (acceded to 10 June 1996, with reservations)
- UN CRC: Optional Protocol on the involvement of children in armed conflict 2000 (signed 6 September 2000)
- UN CRC: Optional Protocol on the sale of children, child prostitution and child pornography 2000 (signed 6 September 2000)

- Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belém do Pará) 1994 (ratified 25 November 1996)
- Inter-American Convention on Support Obligations (ratified 11 June 1997)
- Inter-American Convention on the International Return of Children (ratified 11 June 1997)
- Inter-American Convention on Conflict of Laws Concerning the Adoption of Minors (ratified 11 June 1997)
- Inter-American Convention on International Traffic in Minors (ratified 11 June 1997).

29. One specific measure which GOB could consider is the merit of enacting a Children's Code. This would provide Belize with a comprehensive legislative framework for giving full effect to the provisions of the CRC. In this context, it is noted that the Families and Children Act embraces CRC provisions in general, that the articles of the Convention are not specifically replicated in Belizean law, and that the scope of that Act is limited. This may be considered to leave as uncertain the question of actioning such provisions within the judicial system, and of the associated capacity of relevant parties to pursue enforcement of such provisions. Given that the Families and Children Act applies to subsets of Belizean children, it would seem preferable that consideration be given to a comprehensive parallel code which includes the articles of the Convention as a schedule to it, and elevates children's rights as a whole-of-government responsibility, and not essentially the function of just one Ministry (even though it would continue to have oversighting and monitoring – even enforcement – responsibilities). (Refer to related comments at Chapter III, Section B.)

#### Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

30. Copies of the Convention have been widely circulated through relevant Government and non-governmental agencies, and it has also been produced, in simplified form, in Spanish. The Convention has not been reproduced in other languages, including Kek'chi and Mopan Maya or Garifuna.

31. The provisions of the Convention have also been promoted in the media, including via regular radio broadcasts coordinated by NCFC. (See Chapter IV, Section C for further comment.) In 1997/98, the NCFC conducted over 50 consultations countrywide on the CRC in general and the new Families and Children Act in particular, involving a wide range of government officers in policy, administration and service provisions, across the health, education, welfare and legal and judicial systems. At that time, NCFC also held CRC workshops for children and young people, and worked with Teachers' Institutes to train teachers on the Convention and the rights of children. In practice, it is noted that much of the promotion of community awareness has been focussed more on the Act than the Convention itself.

32. In 1999, GOB included teaching of the CRC in its primary school curriculum nationwide, and has been assisted by the Human Rights Commission of Belize (HRCB) in providing one day of training to 750 primary school teachers in the Convention and human rights more generally.

33. In 1999, an NGO Coalition for the 10<sup>th</sup> Anniversary of the CRC was established, comprising BFLA, HRCB, the National Organisation for the Prevention of Child Abuse (NOPCA), the Young Men's Christian Association (YMCA), and the Young Women's Christian Association (YWCA). One particular activity undertaken at the initiative of HRCB, and supported by UNICEF, was the recording of a song written by a prominent contemporary Belizean musician (Andy Palacio) to mark the introduction of the CRC ten years earlier. The song was performed by Palacio and other musicians, with a chorus of Belizean children, and produced in tape, video and CD format. The song's lyrics celebrate in popular linguistic and musical style the CRC and its defence and promotion of children's rights, and a copy of the cassette and video was circulated by UNICEF to every school in Belize, coinciding with a media launch and publicity about the Convention.

Article 44 (6)

States Parties shall make their reports widely available to the public in their own countries.

34. The Initial Report was circulated to a range of agencies – government and non-government – considered to be relevant stakeholders. That Report was not generally made publicly available beyond such distribution. The comments of the UN Committee on the Rights of the Child were not circulated. By that time – as has already been noted – the NCFC had suffered a loss of momentum and focus.

## II. DEFINITION OF THE CHILD

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

35. The Families and Children Act says that a child means “unless provided otherwise in any law, a person below the age of eighteen years”. The Summary Jurisdiction (Procedure) Act (S. 2) defines an adult as any person of or over the age of sixteen years, and a child as a person under the age of fourteen years.

Belizean legislation defines the following minimum legal ages:

- Legal and medical counselling without parental consent: 18 years
- Medical treatment or surgery without parental consent: there is no legal provision
- End of compulsory education: 14 years (Education Act, S. 2 (b))
- Admission to employment or work, including hazardous work, part-time and full-time work: 14 years, 12 years and 14 years, respectively (Labour Act, Ss. 54 & 169)
- Marriage: 14 years (with parental consent) (consent not required if the person is a widow or widower), 18 years (without consent) (Marriage Act, S 5 (1)) (the Act states that the marriage of anyone under 14 years is void (S. 4 (1)))



- Sexual consent: 16 years (female only), except that a male aged under 18 years may have a valid defence if he had reason to believe that the female was aged over 16 years (on the first such offence only) (Criminal Code (S. 47))
- Voluntary enlistment in the armed forces: 18 years (Defence Act, S. 16 (2))
- Conscription into the armed forces: may apply to males only by Governor General's regulation, including specification of the age (Defence Act, S. 167 (2)(i))
- Criminal responsibility: 9 years (Criminal Code, S. 25 (1), as amended by the Criminal Code (Amendment) Act 1999); a child between the ages of 9 and 12 years inclusive who is considered not mature enough to judge the consequences of his or her actions is also exempted (S. 25 (2)); a child between 16 and 18 years inclusive who is fined may be placed under supervision until the fine is paid (Summary Jurisdiction (Procedure) Act, S. 70 (5))
- Deprivation of liberty, including by arrest, detention and imprisonment, institutionalisation: deprivation of liberty is 9 years (Criminal Code, S. 24); being imprisoned is at ten years or over, although a child aged 14 or 15 years may only be imprisoned if no suitable alternative exists (such as probation or a certified institution) but is not allowed to associate with adult prisoners (Juvenile Offenders Act, Ss. 11 & 12)<sup>2</sup>
- Capital punishment and life imprisonment: a person aged under 18 years at the time of committing an offence punishable by death, may not be subject to the death penalty; the Law Reform (Miscellaneous Provisions) Act 1998 provides that "in lieu thereof the court shall sentence him to imprisonment for life" (previously, this was at "Her Majesty's pleasure") (Indictable Procedure Act, S. 146 (2))
- Giving testimony in court, in civil and criminal cases: no specific provisions, but normally dependant upon the court's determination of the child's capacity, maturity and understanding
- Lodging complaints and seeking redress before a court or similar without parental consent: there are no age restrictions on initiating proceedings and no provisions as to parental consent, except for the provisions of the Families and Children Act, as follows:

" Notwithstanding the provisions of any written law to the contrary, and notwithstanding that a child is at common law incapable of suing or authorizing any person to sue in his own name in any court of law, he may prosecute any action in any court for any sum of money which may be due to him for salary, wages or piece work, or for work as an employee, in the same manner as if he were of full age". (S. 13)

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<sup>2</sup> By virtue of the recent amendments made by the *Penal System Reform (Alternative Sentences) Act*, there may be an unintended treatment of 10-13 year olds compared to that for 14-15 year olds, with respect to imprisonment.

- Participating in administrative and judicial proceedings affecting the child: no specific age provisions, but normally dependant upon the court's determination of the child's capacity, maturity and understanding (see, in particular, Families and Children Act, First Schedule, S. 3 (a) (included as Attachment E))
- Having access to information concerning the biological family: in the case of an adopted child, an Adopted Child Register must be maintained, traceable to the Register of Births and this information may be accessed by a person only with an order from a court of competent jurisdiction (Families and Children Act, S. 145 (7) & (8))
- Legal capacity to inherit: where an 'infant' is the beneficiary of an estate then "the personal representatives of the deceased may appoint" two to four trustees, presumably until the infant turns 18 years (Administration of Estate Act, S. 47) (although "may" is construed as "permissive and empowering" rather than "instructive" (Interpretation Act, S. 58)); a 'child' may be appointed as an executor or trustee but is incapable of exercising that office until reaching 18 years (Families and Children Act, S. 12 (1))
- Choosing a religion or attending religious school teaching: there is no specific age provision, except that, in guardianship and custody matters, the court may – in instances where the parent is not granted custody – "order that the child be brought up in the religion in which the parent has a legal right to require that the child should be brought up", having regard to the child's age and maturity, and best interests and wishes (Families and Children Act, S. 29, although subsection (2) states that this does not "diminish the right which any child now possesses to the exercise of its own free choice": this may infer a legal right for the child beyond custody and beyond religious choice)
- Consumption of alcohol: 18 years (but only with respect to consumption on licensed premises: Intoxicating Liquor Licensing Act, S. 44 (1)). (A 2001 Cabinet Committee advising on liquor licensing policy noted that, despite the adequacies of existing legislation, the selling of liquor to and by minors was prevalent. Following consultations with municipal representatives nationwide, Government decided in late 2001 to amend the legislation to put the onus of responsibility on the proprietor of premises where liquor is consumed to determine that a patron is at least 18 years of age, and to increase associated penalty provisions.)

36. Gender disparities in Belizean laws with respect to children are noted; additional reference is made at relevant points elsewhere in this report. The Criminal Code (Amendment) Act 1999 generally simplified the provisions and strengthened the penalties concerning rape and carnal knowledge of women and girls. This is discussed further in Chapter V, Section J. These changes are strongly supported. However, as noted in the Initial Report (p. 44), a number of discriminatory gender provisions continue to exist in the treatment of children within various laws. Different economic provisions continue to exist in the Wills Act (Ss. 35 & 36), the Pensions Act (Ss. 6 (1) & 12 (b)) and the School Teachers' Pensions Act (S. 22). As noted, different gender treatment of child sexual assault and abuse, and associated protective provisions, also continue to exist – even to widen, given recent improvements in provisions for girls. These provisions include those in the Criminal Code dealing with rape and carnal knowledge (Ss. 47, 48 & 71), abduction (Ss. 56 & 57) and incest (Ss. 62 & 63), assault (S. 45), and with sex work and procuration (S. 49), and in the Summary Jurisdiction (Offences) Act dealing with sex work, such as keeping women for immoral purposes (S. 17) and living off their

earnings (S. 18). Such laws need urgent review with respect to the extension of their provisions to adequately and equitably protect the boy child. That review should also give attention to unwarranted gender-based assumptions within such laws about the perpetrators of child abuse.<sup>^</sup>

37. With respect to the raising of the minimum age of criminal responsibility, it is noted that there is no uniformity in this regard within Caribbean states. The age of seven years continues to be used by two states (based on the provisions in British common law, which the UK itself departed from in 1933), eight years is used in six states (the subsequent British provision, which it departed from in 1963), one (Belize) now uses nine years, four states use 10 years, one uses 11 years, and two use 12 years.<sup>3</sup> There is a valuable opportunity for Belize to advance dialogue within the Caribbean to try to establish a regional standard in this regard.

38. The provision of S. 4 (c) of the First Schedule specifically accommodates national laws which modify the rights set down in the CRC. This means that, in the event of a conflict between the provisions of the CRC and Belizean laws, the latter would prevail. This is consistent with the provisions of Article 41 of the CRC, provided that those laws are more 'conducive to the realisation of the rights of the child'.

### III. GENERAL PRINCIPLES

#### A. Non-discrimination

##### Article 2

- 1) States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- 2) States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

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<sup>3</sup> Thompson-Ahye, Hazel (2001?), Juvenile Justice in the Caribbean "A Rights Approach to Children in the Juvenile Justice System" (draft), UNICEF Caribbean Area Office, p. 5. The relevant states are Antigua & Barbuda, Barbados, Belize, British Virgin Islands, Dominica, Grenada, Guyana, Jamaica, Montserrat, St Kitts & Nevis, St Lucia, St Vincent & the Grenadines, Suriname, Trinidad & Tobago, and Turks & Caicos Islands.

39. The principle of non-discrimination is enshrined in the Belize Constitution Act as “the right to freedom from discrimination” (Chapter 2: Protection of Fundamental Rights and Freedoms). The specific provisions of Art. 2 (1) compare as follows with the provisions of the Constitution:

Right (Art. 2 (1))	Right (Constitution)
Race	Race
Colour	°Colour
Sex	Sex
Language	Language
Religion	Religion
Political or other opinion	Political opinion
National, ethnic or social origin	Place of origin
Property	Privacy of home and other property; protection from arbitrary deprivation of property
Disability	--
Birth	--

40. The Belize Constitution Act states that “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law” (S. 6 (1)), that “no law shall make any provision that is discriminatory either of itself or in its effect” and that “no person shall be treated in a discriminatory manner by any person or authority” (S. 16, subsections (1) and (2) respectively). In general, there is no reference to age, or of the child, in the definition of discrimination. However, the Interpretation Act (S. 3 (1)) ensures that the child is within the definition of a person. In several instances in Chapter 2 of the Constitution, rights are conditional upon the granting of informed consent (such as the right to search of body or residence, or to receive religious instruction in school). As children are deemed incapable of granting such consent, this right is conditional upon parental consent.

41. The Families and Children Act (S. 33) guarantees that all children are of equal status in the application of the Laws of Belize, regardless of the marital status of the child’s parents. The Act may also protect the child's right "to the exercise of its own free choice" (S. 29 (2)).

42. Particular acknowledgement is made of the need to address the legislative framework to ensure non-discrimination against children with a disability, especially in view of the continued absence of a specific Disability Act. Government has pressed on with the implementation of its policy of the mainstreaming of children with disabilities into the national educational system, whilst pursuing its decision to divest the roles of the former Disability Services Division from the public sector. This matter is considered further at Chapter VI, Section A.

43. In practice, protection against discriminatory treatment of children is only as competent and successful as the agencies with such mandates. As is apparent elsewhere in this report, there has been a fair degree of progress made in institutional strengthening of relevant GOB agencies and the judicial system, including in-service training, the development of operational protocols and allocation of additional staff, but it is acknowledged that much more needs to be done. In some respects, this requires GOB to be more assertive about the application of protective measures, more thorough in staff development practices, and more persistent in the pursuit of appropriate remedies.

#### B. Best interests of the child

##### Article 3

- 1) In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
- 2) States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
- 3) States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

44. The introduction of the Families and Children Act means that the best interests of the child may be applied more evenly and fully across a range of areas affecting children, including children born out of wedlock, adopted children, and children involved in any way in court proceedings. Main features of the Act are:

- a child is entitled to live with its parents or guardian, unless a competent authority determines that it is in the child's best interests to be separated from its parents or guardian, in which case the 'best substitute alternative staying place shall be provided for the child' (S. 4);
- the duties of the parent or guardian towards the child are specified – with respect to rights to education, immunisation, clothing, shelter, medical attention and balanced diet, and to protection from discrimination, violence, abuse and neglect (S. 5);
- the guiding principles in the making of any decision affecting a child are set down (First Schedule: see Attachment E).

45. Section 1 of the First Schedule achieves compliance with sub-article 1, with its applicability to all agencies, institutions or persons, and extends the 'best interest' criteria from being 'a primary consideration' to being 'the paramount consideration'. This compliance is extended, according to the requirements of sub-article 2, by virtue of the provisions of section 5, which embraces both the child's 'rights to' as well as 'rights to be protected from', as duties of the parent or guardian.

46. Whilst it was noted in the Interim Report that the various Laws relating to children made similar provision for observance of the child's best interests, the new legislation has strengthened this principle in terms of its more comprehensive application to children, as well as ensuring uniformity in intent. The application of this principle will continue to need to be monitored.

47. With respect to standards applicable in institutions, services and facilities (sub-article 3), primary responsibility is vested in the Minister of Human Services under the provisions of the Social Service Agencies Act. The Act requires the Minister to designate a public officer as the Registrar of Social Service Agencies to administer the provisions of that Act, including the registration, licensing and regulation of "Homes for Children, Old Peoples' Homes and similar institutions whether fee levying or not set apart for the care of children, old persons or the handicapped as the case may be" (Ss. 2 & 5).

48. That Act also empowers the Minister to prescribe the minimum standards of licensed facilities "with regard to health, safety, accommodation, service facilities and board", whether the institution is maintained by Government or by a private agency or person (S. 13 (1)). Failure to comply may result in prosecution of an individual, or suspension or cancellation of the operating licence, with provision for appeal to the Minister against any such decision by the Registrar.

49. The Certified Institutions (Children's Reformation) Act similarly empowers the Minister to certify or revoke certification of any "home, school or other place ... the management of which has agreed to accept the custody and care of children sent to such home, school or other place under a detention order issued under this Act" (S. 2).

50. Although a specific Registrar has never been appointed, the Minister has at least now given effect to that provision by, in 2001, appointing a DHS officer as Inspector of Social Services Institutions, with corresponding responsibilities. This position is still in its formative stages, but will in part build upon the preliminary work carried out in 1995-96 by the NCFC, in producing guidelines for the establishment and management of day-care facilities for children. This is discussed further at Chapter V, Section G.

51. With respect to sub-article 3 and the administration of juvenile justice, the Community Rehabilitation Department was established in early 2001, with a specific mandate in this regard. This matter is considered further in Chapter VIII, Section B.

52. A matter requiring specific attention is that of independent review and investigation powers on behalf of children. Whilst Belize does not have a discrete position of Commissioner for Children or Children's Ombudsman, it did appoint an Ombudsman in July 1999 under the provisions of the Ombudsman Act. The Ombudsman's mandate empowers him to investigate complaints arising from the public or to initiate his own investigations. In late 2001, he was investigating two matters at his own initiative concerning the sexual abuse of children (one where the alleged perpetrator was a public employee, the other concerning possible excessively lenient treatment by the court).

53. There are two main options which NCFC should, in the first instance, consider in order to provide informed advice to the Government. First, the Ombudsman's mandate is sufficient to investigate administrative matters affecting children and can do so in an independent, accessible and child-friendly manner. However, this requires that GOB commit additional resources in three areas: an additional and dedicated investigative officer, capacity for outreach roles countrywide (especially in

raising public awareness and in collaborating on the strengthening of school curriculum concerning rights), and a fund to retain or engage legal expertise. In the first instance, this would seem an urgent, minimum and appropriate GOB response, in the absence of – or pending establishment of – a child-specific mechanism. Second, the Ombudsman’s role does not specifically embrace a rights-based mandate, and may be deemed limited by its reference to public agencies. In this regard, there is merit in establishing a separate post for a Children’s Rights Ombudsman as an independent authority with investigative powers beyond government and statutory authorities. This would sit more comfortably with the proposal elsewhere to introduce a comprehensive Children’s Code, and conform to the proposition in the UN Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) (S. 57). In consultation with relevant GOB agencies and NGOs, NCFC needs to determine the preferred course of action.

### C. The right to life, survival and development

#### Article 6

- 1) States Parties recognize that every child has the inherent right to life.
- 2) States Parties shall ensure to the maximum extent possible the survival and development of the child.

54. The right to life is a fundamental right provided for in the Constitution (Chapter II, Sec. 4), except for death resulting from a court sentence for a criminal offence, or from the legal and justifiable use of force, or from a lawful act of war. This right to life is further extended by various provisions of the Criminal Code Act, including that it is unlawful to abandon a child aged under five years (S. 60) or to do so to a child aged under seven years in a manner which may expose it to grievous harm (S. 92).

55. The Indictable Procedures Act provides that a person aged under eighteen years at the time of committing an offence punishable by death for which they are duly convicted, shall be subject neither to the death penalty nor to having that penalty recorded against them (S. 146(2)).

56. Deaths must be registered with the Vital Statistics Office, which is responsible for issuing death certificates. The Office estimates that barely 25% of deaths are registered with it. Subject to collaboration between that Office and MoH, this may improve with the capacity of MoH’s National Health Information System (NHIS) to produce death certificates, and localised access to that computer database via District Health Information Units and several remote locations.

57. Belize fortunately suffers very little from youth death by suicide. According to Police records, for the seven year period 1995-2001 inclusive, there were a total of 67 deaths by suicide, of whom six were aged under 18 years (that is, less than one each year). Of those six, one was a female.

58. Measures to ensure survival and development are embodied in the Criminal Code (S. 100), which makes it a duty for a parent, guardian or contracted carer “to supply the necessaries of health and life” to another person. This specifically includes children. The Families and Children Act also makes provisions for the survival and development of the child:

- the duty of the parent, guardian or other person with custody of a child to maintain that child (S. 5), and further provisions applicable to men (S. 48) and women (S. 49) to maintain children;
- the duty of the Government to safeguard and promote the welfare of the child and to mediate in any situation where the child's rights are infringed upon (S. 46 (1));
- the capacity of the Family Court or a magistrates court to make a Supervision Order to make DHS responsible for the child's care and maintenance, where parents or relatives are deemed unable to provide such care and no alternative is available (S. 98).

D. Respect for the views of the child

Article 12

- 1) States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
- 2) For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

59. The Families and Children Act makes specific provisions for ensuring that the views of the child are given due weight and consideration. In matters pertaining to guardianship and custody, the court is empowered "to consult the wishes of the child in considering what order ought to be made" and the child is also guaranteed the right "to the exercise of its own free choice" (S. 29 (2)). In matters of the care and protection of children, the Act provides that the court require a written social inquiry report before making a supervision or care order. The officer charged with preparing that report shall interview the child if "considered by the Department to be of sufficient age and understanding" (S. 99 (4)). In matters related to the issuing of care orders (viz. to remove a child from a harmful situation), the Department "shall bear in mind the wishes of the child" (S. 111 (3)). In matters of adoption, the court – before making an adoption order – is required to give due consideration "to the wishes of the child, having regard to the age and understanding of the child" (S. 138 (1)(b)).

60. The Act also provides that, where a child gives evidence as a witness in any civil proceedings, that evidence may be heard if, in the court's opinion, the child "understands that it is his duty to speak the truth" and "has sufficient understanding to justify his evidence being heard" (S. 152 (2)). More generally, the Act requires that, in determining any matter related to a child's upbringing or the administration of a child's assets,

"the court or any other person shall have regard in particular to –

- (a) the ascertainable wishes and feelings of the child concerned considered in the light of his or her age and understanding; ..." (First Schedule, S. 3).



61. MHD is presently considering extending the provision for a guardian ad litem to represent the interests of the child in situations of adoption, to also apply to children in other proceedings before the courts.
62. The Belize Family Court, in particular, has taken steps to become more family- and child-friendly: relocating in 1999 to central premises shared by NCFC<sup>4</sup>, FSD and Community and Parent Empowerment Program (COMPAR), improving its counselling and family interaction settings, and installing a children's play corner. In formal Family Court proceedings, the views of the child are reported to have been found to be extremely helpful to the court in its understanding of relevant events and in determining more appropriate remedies. If the court considers that a situation during proceedings is proving stressful or confrontational to the child, then the court seeks the view of a psychologist as to whether or not it is in the child's interest to testify. However, the Family Court only has a specific presence in Belize City, operating within the magistrates courts in the districts (ensuring minimal compliance with the provisions of the Family Courts Act that it have a court within each judicial district (S. 3)). The district-based magistrates courts continue to fall short of being sufficiently child-friendly and adequately trained in or sensitive to the provisions of the CRC.
63. In mid-2002, NCFC expanded its efforts in promoting the views of children, when it appointed an Assistant Program Coordinator dedicated solely to issues of children's participation.
64. A particular area where it is considered that more needs to be done in actively taking into account the child's views is within the educational system. Most teachers need training in how to canvass and respect the child's views without compromising their capacity to teach according to the prescribed curriculum. This requires many teachers to modify often outmoded and traditional views of teaching.

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<sup>4</sup> NCFC relocated to improved and more spacious premises in mid-2002.

#### IV. CIVIL RIGHTS AND FREEDOMS

##### A. Name and nationality

###### Article 7

- 1) The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
- 2) States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

##### B. Preservation of identity

###### Article 8

- 1) States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
- 2) Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

65. The Families and Children Act explicitly provides that “a child is entitled to live with his parents or guardian” (S. 4 (1)), and that “every parent shall have parental responsibility for his child” (S. 6 (1)). The Act also elaborates the attendant rights and responsibilities of the child’s entitlement.

66. The Registration of Births and Deaths Act requires that a child’s birth be registered within 42 days of the birth (S. 10), in default of which the parent may be required by summons to do so within 12 months of the birth (S. 12). After the expiration of 12 months, the birth may only be registered with the registrar’s written authority and the payment of a fee (S. 18). In practice, compliance is well below a desirable level. It is estimated that approximately 50% of all births are registered at some time, of which approximately 65% are registered within the 42 day period (that is, almost one third of all births are registered within the prescribed time, and a half of all births are not registered). Birth registration procedures are well known and widely practiced, but there remains a need for improved access to places of registration in more remote areas, and especially among recent immigrants. Mobile Registration Campaigns have been implemented in certain parts of the country.

67. The responsible agency is the Vital Statistics Office within the Attorney-General’s Ministry. That Office is based in Belize City, with no district-level presence: it relies upon clerks of courts within the districts. In 1998, the Office received assistance to introduce a computerised registration system but, in 1999, the computer system broke down, at which time the Office had computerised about 25% of the approximately one million records that it has (dating back to the 1800s).

68. The onus of responsibility for birth registration is on the parent. However, it seems that registration coverage could be further improved via the cooperation – even obligation – of antenatal

services within MoH Clinics.<sup>5</sup> Unfortunately, there are reliable reports that, on occasions when the parent attends a health centre to receive a copy of the hospital record to enable registration, this may be denied if the parent still has an outstanding account there. GOB needs to, in the first instance, give close attention to the recommendations to improve registration made by PAHO and the International Institute of Statistics and Registration on each of their visits to Belize in 1996, 1998 and 2001. Such attention commenced during 2002, when resources were allocated for the installation of new hardware and software. The Office has also, during 2002, commenced weekly visits to the General Hospital in Belize City, with written reminders of registration, and this is particularly improving death registrations (which have been at a very poor rate of around 25%). In early 2003, the Office expects to introduce the computerised issue of birth certificates.

69. In order to better safeguard the rights of children to acquire a nationality, Belize amended its Belizean Nationality Act (S. 12) and Immigration Act (S. 10) in 1998, so that, respectively, children be included on a certificate of citizenship by registration and may, when attaining 18 years, separately apply for citizenship irrespective of the parent's residency status, and persons who entered Belize as minors and have resided in Belize continuously for at least ten years may apply for permanent residency.

70. In 2000, the meaning of the term 'alien' in the Laws of Belize was amended to mean "a person who is neither a citizen of Belize nor a Commonwealth citizen". Even so (and despite legislative titles such as the Aliens Act), 'alien' is widely considered to be a perjorative term in Belize, and 'immigrant' or 'non-resident' are more accepted terms.

71. Cognisant of the large numbers of displaced persons from various Central American countries engaged in civil wars and internal conflicts who had settled in Belize without due documentation, and who had not returned to their home state following the end of those conflicts, Belize held an Amnesty Program in 1999. This was initiated by the United Nations High Commission for Refugees (UNHCR) and conducted by an Amnesty Office located within the Ministry of National Security, with the active local involvement of an NGO, Help for Progress, and the political area representatives. The Program provided undocumented individuals and families – which included substantial numbers of children, many of whom were already attending Belize schools – with the opportunity to regularise their legal status. The Program was initially conducted for one month, but then extended to two and a half months. It was promoted by some radio broadcasting, but nothing appears to have been distributed locally in print, including – significantly – in Spanish. A \$200 fee applied to each application (regardless of the number of people involved), due at the time of approval, but frequently collected at the time of application.

72. Eligibility criteria were that applicants had lived in Belize for at least four consecutive years, or had been living in a common law union with a Belizean for at least three years, or were pregnant for at least four months, or were married to a Belizean. Furthermore, the \$200 fee was waived (paid from UNHCR funds) if the applicant was either El Salvadoran, Honduran or Nicaraguan and living in

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<sup>5</sup> Although not presently accommodated within the NHIS, there may be capacity to have it serve as the means of lodging birth registration details.

Belize since 1992, or Guatemalan and living in Belize since 1994. The local applications were received by either Help for Progress or the area representative, forwarded to the Amnesty Office (including for security clearance) and then to the Immigration Department for processing. Applicants needed to produce a police record (which carried a \$5 fee), HIV test, STI test (both of which would carry costs, compounded for larger families), references from two persons, and a birth certificate or substitute form of verification.

73. A total of 10,000 applications were received, of which approximately 9000 were approved. The remainder were not approved primarily due to inadequate documentation or because the eligibility criteria had not been met. These unapproved applications continue to be processed once the necessary criteria are met, including that the expiration of time may enable the qualifying residency period to be satisfied. It is estimated that there are another 5000-10,000 eligible applicant households who did not make application, either because of the cost being too excessive for some households or due to an initial suspicion of the process and a reluctance to come forward and reveal their illegal status. Many of these people unsuccessfully sought late application once they saw others receiving their documentation, or else realised that their registration fee would be met. It is further estimated that applications averaged perhaps three children, which suggests that the Amnesty Program afforded a regularisation in the documented status of perhaps 27,000 children, with perhaps another 15,000 or more children remaining undocumented.

C. Freedom of expression

Article 13

- 1) The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
- 2) The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - (a) For respect of the rights or reputations of others; or
  - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

D. Freedom of thought, conscience and religion

Article 14

- 1) States Parties shall respect the right of the child to freedom of thought, conscience and religion.
- 2) States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
- 3) Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

E. Freedom of association and peaceful assembly

Article 15

- 1) States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
- 2) No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

F. Protection of privacy

Article 16

- 1) No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
- 2) The child has the right to the protection of the law against such interference or attacks.

G. Access to appropriate information

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18

The situation with respect to these rights is generally as was reported in the Initial Report.

74. Belize continues to mark Children's Day and Children's Week with a range of activities. The CAC, NCFC and Ministry of Education (MoE) each organises activities, such as displays, concerts and broadcasts. MoE's support for Children's Day means localised activities nationwide.

75. The CAC was established by UNICEF in 1996. In 1997, it held a Cultural Expo in Belmopan, the national capital, to parade and display the different cultures in Belize and to remind national leaders of the importance of that cultural diversity and of the importance of learning about it. In 1998, it conducted a nationwide Children's Election, for which CAC members consulted with children in order to develop a ballot list of issues contained in the CRC, and then invited children to vote for their priorities for government action based on the CRC. The resultant three priorities, in descending order of priority, were:

- the right to an education;
- the right to a safe environment; and
- the right not to be abused.

76. In 1999, the CAC held its 'Stamp Out Child Abuse' campaign. This coincided with a period in which a number of pre-teenage girls were abducted and very brutally murdered.<sup>6</sup> The campaign included dialogue between young people and key political and community leaders, and culminated in the leaders of the two main political parties signing a 'Commitment to Action'. In 2000, CAC planned the conduct of 'Keeping the Promise' in the National Assembly, but on the day beforehand Belize was battered by Hurricane Keith, and the national forum was postponed until early 2001. The participating children questioned the adult political and community leaders about current actions and attitudes to various priorities, in front of a public gallery and national live radio broadcast; a video has also been produced. A plebiscite of children conducted by CAC in 2001 – largely to inform Belize's participation in the (postponed) World Summit of September 2001 – established that children's main priority now is HIV/AIDS. In recent years, CAC had also collected toys prior to Christmas, and distributed them to a selected poor village and children's institutions; as well as organising excursions for the children in institutions to such places as the national zoo during the Christmas period. This role has since ceased with the lapsing of UNICEF administrative assistance.

77. Much of the administrative support to CAC, and assistance in determining and implementing its activities, had been due to the assigned officer, who is no longer with UNICEF (but is the new Chairperson of the NCFC). Attention now needs to be given by UNICEF – in collaboration with NCFC – to questions of operational autonomy, coordinating framework and membership

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<sup>6</sup> These abductions and murders led to various actions, including proclamation of a nighttime curfew for children, placement of security personnel in schools, and a rally of over 5000 students and adults.

representation, and of ensuring a more strategic advisory role to national coordinating machinery in overseeing and informing the pursuit of children's rights and development.<sup>7</sup>

78. Weekly radio programs are conducted. NCFC broadcasts 'Facts for Families' on Monday evenings, mainly for an adult audience, and 'Kid-O-Rama' is a children's broadcast on Saturday mornings, targeting a youth audience, and inviting young people, NGOs and others to participate in interviews, and inviting the audience to ring in. NCFC focusses its broadcasting on CRC-related issues. In 2002, it conducted strategic planning on Kid-O-Rama, at the request of the young broadcasting participants. In addition, there are several children's radio programs or radio programs with children's content on local rural radio stations, notably in Orange Walk and Cayo Districts. In 2000 and 2001, Belize joined in the observance of International Children's Day of Broadcasting, with radio and television stations in Belize inviting children to participate in broadcasts and programs. Amongst NGOs active in this regard, NOPCA conducted a weekly children's program, which was suspended in 2001 for lack of funds. Its resumption is a NOPCA priority for 2002.<sup>8</sup>

79. MoE has produced an annual 'My Agenda' diary for all school children for the past three years. The theme of the 2001/02 diary was 'a child-friendly school for all', following HRCB's survey of around 1000 students concerning absenteeism and child-friendly schools<sup>9</sup> (in 2000/01 the theme was 'a different right each week'). The diary is produced by UNICEF and distributed by it via MoE. In 2001, HCRB also marked Children's Day with the production of an illustrated pocket booklet in English and Spanish on children's rights and responsibilities.

80. Since its inception, FSD holds annual 'Give Your Heart to a Child' campaigns each February, oriented toward the promotion of fostering and adoption. At the same time, it engages in media interviews and other activities, such as a poster contest, 'Family Fun Day', 'Poster Display in the Park' and t-shirt distribution and sales.

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<sup>7</sup> This should also take into account the role and structure of the national Youth Advisory Council, oversights by the Youth Department. The Council is presently being rejuvenated, and covers an age range up to 29 years.

<sup>8</sup> Since the Initial Report of 1996, NOPCA has expanded beyond its then sole Belize City office, to now have offices in all districts except Stann Creek.

<sup>9</sup> As a useful reminder of the importance of results of the CAC's Children's Election, HRCB's survey revealed that the aspects of school which children least like are: the behaviour of other students (71% of respondents), physical abuse and corporal punishment by teachers (38%), and an unpleasant physical environment (31%). Conversely, 54% of children said that they like school because of helping or caring teachers.

81. As one means of advancing the child's access to appropriate information and to protect their privacy, MHD initiated and coordinates the Belize City Community Counselling Centre in February 2000. This service is coordinated by the Ministry. It is available to anyone, and it is estimated that perhaps three quarters of its clients are under eighteen years of age. The service receives referrals from a range of sources, in particular, the courts, FSD, schools and doctors. In its first year, it provided services to an estimated 206 individuals, families and groups. The Centre had originally benefitted from being fully staffed by qualified counsellors serving in a voluntary capacity. The absence of dedicated professional coordination by a Departmental counsellor led to the lapsing of that voluntary commitment, with volunteers increasingly feeling that they were being taken for granted. Furthermore, the Centre suffered from inadequate counselling privacy in cramped and shared conditions, and limited dedicated staff support by the Ministry. The increasing reliance by key agencies and professionals to make referrals to the service, as well as its apparent valuing by many young people, emphasised the need for the counselling service to be strengthened, including the appointment of a full-time counsellor and provision of adequate dedicated facilities. The Centre was relocated to improved premises in mid-2002, coinciding with the appointment of a trained psychologist as counsellor.

82. In 1999 GOB introduced the Families and Children (Protection of Children) (Belize City) Regulations, which imposed a curfew in Belize City for all children less than 16 years, partly in reaction to a spate of abductions and murders of young girls. Children not off the streets between 8pm and 6am are liable to be taken home by police and MHD or, if there is no suitable home, into protective custody. Parents of children who repeatedly break the curfew may be penalised. The curfew scheme is poorly resourced, relying on an already stretched Police Department and MHD staff who have been expected to assist police patrols up until midnight, 2-3 nights a week. GOB has attempted to balance the sound competing rights to freedom of movement by young people and duty of care by Government in a period of widespread community fear and demand for appropriate action. Nevertheless, it is acknowledged that the curfew is barely operational, and it is understood that, in that time, no child has been taken into care (although it has alerted authorities to the issue of youth homelessness). In practice, it is assumed that the Police Department's Zone Beat Liaison Officers are well placed to detect potential problems with young people on the streets at nighttime. In this sense, the curfew has likely served more as a means of reassuring parents alarmed at risks to children on the street, than as an effective measure against the child abductions that it was a response to. (The abductions largely occurred in daylight, such as on the way to and from school.)

83. The right to peaceful assembly and the right to public order came into conflict on 24 April 2002, when a peaceful and sanctioned demonstration by students from a number of schools in the village of Benque Viejo del Carmen took place. The demonstration was to protest substantial increases in bus fares, especially for students. (In recent years, the various private local bus companies had been absorbed into a virtual national private monopoly.) The students were joined by a number of other villagers, whom the Police hold largely responsible for the alleged provocation of the violence which followed. Confronted early into their agreed march route by a contingent of Police, who were equipped for a potential riot and ordered the march's immediate dispersal, some of the demonstrators resorted to throwing stones in the direction of the Police. The Police responded with tear gas and batons. In the resulting chaos, two (one being a 15 year old male) were seriously injured by Police gunfire, and many students not involved in the demonstration, together with teachers and a number of infants, suffered from tear gas drift through the town.



84. In the hours following the incident, Police detained 28 males alleged to have been present at the demonstration and involved in throwing stones, and HRCB subsequently interviewed 17 of them, documenting allegations of serious beatings by the Police (including 10 children: one aged 13 years, two aged 14 years, three aged 15 years and four aged 16 years). At the same time, the Police report that 27 police officers were injured. Of those detained, 21 were charged, of whom four were children (one aged 14 years, two aged 16 years, and one aged 17 years). In the wake of the widespread trauma at the violence, and the actions of the Police, UNICEF funded NCFC to conduct basic counselling and crisis intervention workshops of students and teachers, in particular. The training included crisis intervention training for teachers, to equip them to provide limited psychosocial responses after traumatising experiences and disasters (such as hurricanes). Several schools were closed for a few days during this time, and it is clear that NCFC's efforts were instrumental in achieving a calming of a potentially explosive situation within that village. More recently, the Police have withdrawn all charges, with a proviso of no further such infringements.

H. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.

85. The right not to “be subjected to torture or to inhuman or degrading punishment or other treatment” is guaranteed in the Belize Constitution Act (S. 7). The Indictable Procedures Act exempts a person under the age of eighteen years at the time of committing an offence punishable by death, from a sentence of death (S. 146 (2)). However, a 1998 amendment to that provision requires the court to impose a sentence of life imprisonment on such an offender (in lieu of this having been at “Her Majesty’s pleasure”). According to the provisions of the Court of Appeal Act (S. 23 (1)(c)) there is no capacity to seek a review of that life sentence (apart from such grounds as new evidence). Life imprisonment means a sentence of eighteen to twenty years, without provision for parole. It can apply to children as young as nine years of age.

86. The Families and Children Act states that “it shall be the duty of any person having custody of a child to use his best efforts to protect the child from discrimination, violence, abuse and neglect” (S. 5 (2)). Part VIII of that Act provides for the Family Court or a Magistrates Court to make a supervision or care order, on application by a social services practitioner or other person so authorised by the Minister for Human Development, where satisfied that the child is, inter alia, suffering or likely to suffer harm or is being ill-treated (S. 100). Responsibility for investigating such matters is vested in FSD. The supervisor of a supervision order is required to take any reasonable steps necessary to reduce any harm to the child (S. 102 (e)).

87. In addition, the Domestic Violence Act addresses the matter of violence within the home, and especially with regard to women and children. It provides for a summary jurisdiction to grant an applicant a protection order against a perpetrator (S. 4), and for the victim’s right to live in the dwelling previously shared with the offender to the exclusion of the offender (an occupation order) (S.

23). The Act provides, inter alia, for assistance to victims of such abuse. It also provides that applications for a protection order may be filed on behalf of a child, with a copy served also on the parent or guardian with whom the child usually lives (S. 13). With respect to the granting of occupation orders, the court must be satisfied that it is the best interests of the child (S. 23 (3)(b)).

88. Many cases of domestic violence constituting ill treatment and neglect have been submitted to the court and they usually form part of a mother's action for a protection order. Even so, it is evident that concerted action is required to give better effect to the provisions of the Domestic Violence Act, both in making greater use of the Act to prosecute offenders, and in ensuring that the requisite counselling and support services are available. Since late 1999, the Police Department has established Family Violence Units in all districts. DHS has assisted in the provision to officers of domestic violence training, which is also a part of the curriculum at the police training academy.

89. The issue of child abuse – including of child sexual abuse, and of corporal punishment – is considered in more detail in Chapter V, Section J.

## **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

### **A. Parental guidance**

#### **Article 5**

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

### **B. Parental responsibilities**

#### **Article 18**

- 1) States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
- 2) For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

90. The relevant legislation is the Families and Children Act, and reference has been made elsewhere to the provisions of that Act with respect to the rights and responsibilities of parents to their child. That Act replaced the Family Maintenance Act, and redresses to some extent the gender inequity in the differential treatment of mothers and fathers. Whilst it still defines separate and different duties for mothers and fathers to maintain their child, the Act clearly states that any mother, father or guardian who has custody of a child may apply for a maintenance order against the other parent (S. 53).

91. In general, the provisions related to the granting of custody treat each parent similarly, except for children born out of wedlock, in which case the mother is granted custody unless and until the court determines that she is unfit to do so. This includes the situation whereby the father applies for custody (of the child born out of wedlock) and proves to the satisfaction of the court that it is in the child's best interest for him to have custody (S. 16 (3)(f)).

92. Whilst the laws ascribe financial responsibility for the care of the child to the father, they require the mother to maintain and care for the child, in the event that the mother is a widow or unmarried, or whenever the father fails to fulfil that obligation, subject to provisions to enable the court to direct the father to do so (Ss. 48 & 49). In practice, however, it is predominantly the case that it is the mother who ends up with most of the day-to-day fiscal burden of child-rearing where the father is absent, and that it is the responsibility of the mother to take the father to court to enforce his obligation to financially support the child.

93. With respect to the development of parenting skills, FSD, the Family Court and some NGOs offer family counselling services, and community health workers are trained through the Ministry of Health's Primary Health Care Unit to provide outreach services in the promotion of parenting skills for both parents. In 1999/2000, MHR implemented COMPAR, following the development in 1997 of a curriculum for the training of parents, as a joint UNICEF/MHR initiative embracing a cross-sectoral partnership. Initially, COMPAR identified and trained community leaders as 'trainers' within their local community (viz. in subjects such as gender, parenting, child development, drugs, AIDS). This was piloted in Belize City, then extended into the districts and local villages.

94. Training is being facilitated by trainers from GOB and NGOs, and is accredited, so that teachers have an additional incentive in meeting their annual training requirements. Some agencies comment that the extension of COMPAR to teachers meant that many may only have elected to participate in order to meet training accreditation provisions, and that their participation may have intimidated and inhibited some parent participants. An evaluation in 2000 concluded that COMPAR had trained large numbers of people as facilitators but that there had been little ongoing local support to sustain the local trainers in their work. In late 2000/early 2001, the model was adapted for the final two districts (Orange Walk and Corozal) to incorporate better ongoing support, along with a revised curriculum and training process.

95. Amongst agencies involved in delivering parenting workshops, NOPCA focusses on good touch/bad touch sessions, the identification of child abuse and neglect, and alternative forms of discipline. Within its school-based programs in 2000/01, it catered to 14 of the 15 schools in Belize City, totalling 9615 students, 3053 parents and 350 teachers. Parenting workshops by MoE in 2001 catered to 36 parents in a village in each of Stann Creek and Belize Districts, and 142 parents, covering 18 preschool centres in Corozal District.

96. One area warranting examination is that of the treatment of children considered to display 'uncontrollable behaviour', whereby parents may apply for committal of the child to institutional care, primarily within the Youth Hostel. FSD considers that the majority of such instances are the consequence of poor parenting skills and require interventionist family and parenting support services. Almost a half of all committed and remanded young people are cases of 'uncontrollable behaviour',

with the rate for females being considerably higher than that for males.<sup>10</sup> Measures that need to be considered include requiring requesting parents to participate in COMPAR training and to contribute to the costs of the child's institutional care (as provided for under the Families and Children Act (S. 59), and this should include the capacity to garnishee child maintenance payments, if applicable). Ideally, institutionalisation for 'uncontrollable behaviour' should be prohibited: it is an inappropriate response to victimless actions which may produce the behavioural problems it aims to avoid, besides being discriminatory in its impact on young women. The precipitating actions are also usually 'status offences', which would not carry such consequences or treatment if carried out by an adult. Such institutionalisation is also expensive: such resources could be far better reallocated for the long-term benefit of so many such young people – including through the extension of parent effectiveness efforts. It is very likely that a parent who is aware that they may be required to financially support their child's institutional care, will forfeit receipt of maintenance payments for that child during that period, and may be obliged to undergo parenting training, will be disinclined to seek a declaration of the child as 'uncontrollable'. This would also likely avoid the frequency of such children committing offences after leaving such institutional care.

#### C. Separation from parents

##### Article 9

- 1) States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
- 2) In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
- 3) States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.
- 4) Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the

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<sup>10</sup> In 1999, this was the case for 29% of committed males and 23% of remanded males, and for 67% of committed females and 76% of remanded females. (Fiona Hancock (2000), Assessment of Juvenile Justice in Belize, p 24)

family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

D. Family reunification

Article 10

- 1) In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
- 2) A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

E. Illicit transfer and non-return

Article 11

- 1) States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
- 2) To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

97. Provisions across these Articles remain as described in the Initial Report, except that references to the Infants Act now are to the Families and Children Act. Also, as noted in Chapter IV, Section A, amendments to the Belizean Nationality Act (S. 12) and Immigration Act (S. 10) have further protected the interests of the immigrant child with respect to nationality and citizenship.

98. With respect to Article 9, responsibility for the care of children who have been removed from, separated from or otherwise deprived of their family environment, is vested in DHS. DHS investigates and follows up cases of children in such circumstances. Through DHS, GOB also makes provision for the temporary or permanent care and protection of such children, through the coordination of foster care, assessment of adoption applications, and administration of institutions under the Social Service Agencies Act and the Certified Institutions (Children's Reformation) Act.

99. Family preservation and reunification of immigrant families are especially important to GOB, given the substantial influx of adults and children alike into Belize over the past two decades. DHS has developed priorities and procedures for children deprived of their family environment, and comment has been made elsewhere in this report of legislative changes and of an Amnesty Program which aim to further address such matters.

F. Recovery of maintenance for the child

Article 27 (4)

States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

100. The legal provisions described in the Initial Report generally apply, except that references therein to the Adoption of Children Act (S. 8 (1)), Children Born out of Wedlock Act, and Status of Children Act (S. 5) are now references to the Families and Children Act, S. 140 (1), S. 48 (1)(a) and S. 37 respectively.

101. As a result of the new Act, the Family Court is no longer able to apply a maximum or minimum amount in a maintenance order. Its determination must now be based upon a case-by-case review of the financial means of both parties, and this also means that the court aims to be more gender-neutral in its operations.<sup>11</sup> A parent (normally, the mother) may now bring an application to the Family Court for a maintenance order for a child up to the age of 5 years, so long as she can prove paternity. Previously, the age limit was one year. This now means that a mother who raises her child up to the age of the child's school commencement, may seek a maintenance order with respect to those additional living and care costs. The previous one-year limit was considered to be far too restrictive and punitive in its effect on the child's upbringing.

102. The maximum age for which maintenance may apply stands at 16 years for the children of a married couple, with additional provision to extend it to 18 years due to disability or full-time continuing education. The maximum age for the children of unmarried parents is now 18 years, with

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<sup>11</sup> In this regard, for example, S 53 (1) clearly accepts that either the father or the mother of a child may have custody, and may therefore make an application for maintenance. Such gender neutrality is general throughout the maintenance provisions, except when dealing with the collection of maintenance for a child born out of wedlock (for example, Ss. 64, 65 & 69), albeit with some exceptions (for example, Ss. 72 & 75). Whilst the gender neutral language is preferred in the legislation, this report makes the assumption that the parent with custody is the mother, as this is the almost universal practice.

additional provision for a child up to the age of 21 years or beyond, due to disability or full-time continuing education.

103. As at 1 December 2001, there were a total of 4,629 men covered by maintenance orders in the Family Court, for a total of 6,998 children. However, payments were not being made for 31% of those children. Furthermore, it is understood that, if the mother must act through the magistrates court for the recovery of maintenance (viz. outside of Belize City), then the court deducts a small but often onerous fee (\$2.50) from that payment prior to passing those monies on to the mother (effectively a penalty on the wellbeing of the child). Any fee deemed necessary for a default of payment ought to be an impost on the defaulter as an incentive to make payment, rather than on the carer parent (as a potential incentive to default further). This is the practice in the Family Court in Belize City: a parent applying for a recovery of arrears may result in the issuing of a distress warrant, and a \$2.50 fee is added to the amount recovered from the payer parent.

104. The Family Court is empowered to imprison defaulters of maintenance orders, and does so when deemed warranted, but enforcement remains a problem. A major barrier is the lack of concerted enforcement by the Police, and this seems to be in large part due to gender attitudes among many officers. This also highlights the shortcomings of the magistrates courts in the districts where, although they may satisfy the legislated requirements of the district-based Family Courts as required on a weekly basis, still fall well short of being adequately child-friendly, and many magistrates remain insufficiently trained or aware of CRC requirements. Legislation to be implemented in late 2002 will provide for alternatives to imprisonment for child maintenance defaulters.<sup>12</sup>

105. There also continues to be a problem due to the fact that many actual or potentially liable fathers reside out of the country. First, there remains a problem with the actual implementation of reciprocal maintenance agreements with other Commonwealth countries. Second – and more importantly, given the number of children affected – is the continued absence of a reciprocal maintenance agreement with the USA. Third, attention needs to be given to the merit of Belize joining as a party to the Hague Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations.

#### G. Children deprived of their family environment

##### Article 20

A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

- 1) States Parties shall in accordance with their national laws ensure alternative care for such a child.

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<sup>12</sup> *Penal System Reform (Alternative Sentences) Act*; see Chapter VIII, Section B for further details.

- 2) Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

106. The main change since the Initial Report is the appointment of an Inspector of Social Services Institutions in early 2001, with duties to:

- promote, regulate and enforce the provisions of the Social Service Agencies Act via delegated authority from the Registrar of Social Service Agencies<sup>13</sup>;
- develop, regulate, monitor and enforce operational standards for all Social Service Agencies including Children's Institutions, Day Care Facilities, Homes for the Aged and Disabled and other similar type facilities;
- develop, regulate and enforce a registration and licensing system for all Social Service Agencies in accordance with the Social Service Agencies Act;
- coordinate the formulation, promotion and facilitation of appropriate and relevant educational/training programs for all service providers of Social Service Agencies;
- establish a network mechanism among relevant Social Service Agencies for the purpose of promoting an organised and collaborated approach to inter-agency coordination, monitoring and evaluation;

and other duties that may be assigned from time to time. The Inspector is located in MHD's Policy and Planning Unit.

107. Day care facilities for children relate to children aged 0-3 years. There is also capacity in the Inspector's roles to incorporate attention to the certification or revocation of certification of institutions under the Certified Institutions (Children's Reformation) Act (which relates to places of detention for children and young people). However, the existing duties alone are clearly an enormous burden for one officer (by contrast, there are three officers in the MoE to oversight and coordinate pre-schools (for 3-5 year old children), none of which are state-run). Initial priority is being directed to children's institutions and homes for the elderly and homeless. Since mid-2002, the Inspector and NCFC have been jointly drafting regulations for the upgrading of residential care facilities for children. Responsibilities under the Certified Institutions (Children's Reformation) Act have, during 2002, been transferred to the new Community Rehabilitation Department (CRD).

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<sup>13</sup> As previously noted, there has not been a specific appointment of Registrar made, but the responsibilities of the Inspector satisfy the Act's requirements with respect to a Registrar (at least within the limitations of the capacity of a single officer).



108. Foster care arrangements are monitored by Children's Officers within FSD. DHS held its seventh annual 'Give Your Heart To a Child' Campaign in early 2001, to recruit foster and adoptive families for children in care: 23 families responded. Staff also spoke on morning radio talk shows, and conducted various other activities. A review of foster care was completed in early 2000, and has informed procedural improvements in fostering. Although the Department is now more proactive in areas of child protection, with better trained staff and a more child-centred approach to casework, there continues to be a need for the ongoing promotion of fostering and of standards of foster care. In May 2002, the Minister for Human Development hosted another national banquet for foster parents, with 32 of 40 foster parents attending. The aim of also using the banquet as a means of recruitment was not successful, despite each foster parent bringing a potential recruit to that function.

109. In 1999, GOB decided to reallocate usage of a key Government youth institution, the Youth Hostel (previously known as Princess Royal Youth Hostel). As a result, the Hostel was transferred from Belize City to the site used for the Belize Youth Development Centre (BYDC), located 21 miles out of Belize City. BYDC was consequently amalgamated with the National 4H Youth Training Centre at Belmopan (now the National 4H and Youth Development Training Centre), coinciding with a decision to (again) transfer the Youth Department to another Ministry (this time, Tourism<sup>14</sup>). The capacity of the former 4H Centre means that this has yielded a net reduction of youth training places: 4H had catered to 24 young people and BYDC had catered to 46 young people; the combined facility now caters to 24 residential (male) and 12 commuter (female) trainees. The result has been that the 4H program has been expanded to a more comprehensive training curriculum, and the duration extended from six months (with two annual intakes) to a single annual ten month program. In effect, this means that – as a result of the transfer of the Hostel – annual trainee levels have reduced from 94 to 36 young people. The program is seen as serving as a stepping stone back to school, catering mainly to youth who have not completed primary school, or else have received poor passes. Most graduates proceed to secondary school, having had the opportunity to re-sit the Primary School Examination and improve their grades.<sup>15</sup>

110. GOB also decided to phase out the former Government's Conscious Youth Development Program, and replace it – in November 1999 – with a National Youth Cadet Corps, located adjacent to the Youth Hostel 21 miles out of Belize City. The Corps was originally a pilot residential program for out-of-school teenage males considered at risk of lapsing into criminal behaviour and as an alternative sentencing option. It caters to 75 young people, largely recruited nationwide by the Youth Department's Youth Officers. Emphasis is placed on recruiting young people with behavioural problems, first time offenders and gang members. Until late 2001, the program comprised an initial

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<sup>14</sup> In mid-2001, the Youth Department was again transferred, this time to the Ministry of Education & Sports.

<sup>15</sup> The National 4H and Youth Development Training Centre was destroyed by fire in January 2002, although prompt interim arrangements were made to minimise disruption in its work, and a new facility was constructed.

three-month 'Boot Camp', with drilling by Belize Defence Force officers and life skills training, followed by a four-month academic program combining skills training and literacy, and then a period of community outreach which reintegrates the young participants into their communities and assists in job-seeking. Participants are male and aged between 13-19 years. In late 2001 the Youth Department commenced reviewing the Boot Camp, because of a perceived need to strengthen observance by trainers of the core principles and standards and to achieve greater consistency in the quality of training provided. (Within the correctional services area there is a separate Boot Camp, which has been merged with the Youth Enhancement Academy within the Hattieville prison complex (see Chapter VIII, Section B).)

111. These changes have resulted in changed operational arrangements additional to the reduced trainee capacity. The Youth Hostel had assumed greater importance following Government's decision in 1995 to close the main residential institution for young offenders, Listowel Boys' Training School (in part, due to its geographic isolation, associated difficulty for family contact with the boys, poorly resourced and maintained amenities, and that infrequent review of placement often meant that some boys detained for minor infringements or behavioural problems could remain at Listowel for excessive periods considering their age<sup>16</sup>). The relocated Youth Hostel is not as inaccessible as Listowel had been, but is no longer easily accessible to Belize City families (the majority). GOB has taken welcome steps to upgrade facilities at the new premises, but there have been problems in attendance and retention, and a recent high level of absconding by girls.

112. In 2000, DHS had a 21% increase in new adoption and foster care cases (to 109) over 1999. Over the course of 2000, there was a total of 118 children placed with 74 foster families, of whom 24 families received a foster care allowance. A total of 14 new foster families were approved, and 51 foster care inquiries were received – nine from outside of Belize. Two districts (Belize and Stann Creek) accounted for the majority of foster care cases (66% of children and 61% of families).

113. In 2000, there was a total of 242 children in four institutions. For the three institutions for which such data are available (accounting for 91% of the total), 61% were female, and 50% were in care for up to two weeks. Of those remaining in the institution for less than one year, the average length of stay was around seven weeks, and 22% of the total remained for more than a year (for one institution, 76% remained for more than a year).

114. For the Youth Hostel, as at 1 December 2001, there were a total of 22 boys and no girls (although, in view of the aforementioned absconding by girls, it is noted that there ought to have been 11 in residence). At 30 September 2002, there were 22 boys and 5 girls resident at the Youth Hostel.

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<sup>16</sup> It is understood that there is a notable population of former Listowel boys who have been sentenced to the Hattieville Prison for quite serious offences.

## H. Adoption

### Article 21

- States Parties that recognize and/or permit the system of adoption shall ensure that the best
- (a) interests of the child shall be the paramount consideration and they shall.  
Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;
  - (b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;
  - (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;
  - (d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;
  - (e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

115. The legal provisions for and administration of adoptions has improved with the provisions of the Families and Children Act. In particular, that Act provides that “the court shall appoint a guardian ad litem to ensure that the best interests of the child are protected” (S. 134 (3)) and that “an adoption order shall not be made unless the social services practitioner or an approved organisation has submitted a report to the court on the suitability of the applicant for adopting the child” (S. 135 (4)). It also provides that “a guardian ad litem includes a social services practitioner or a person approved by the Family Court” (S. 134 (5)). A social services practitioner is not defined in the Act. In practice, the majority of adoptions are private adoptions via an attorney, who apparently utilise practitioners of their choosing, and it seems that approximately one third of all adoptions presently occur out-of-court and without the associated vetting by MHD. This does not seem to be the intent of the Act, and GOB needs to consider an amendment to ensure that guardians ad litem are either MHD officers or persons otherwise authorised by the Minister and oversighted by MHD. This is considered especially important for the estimated one third of adoptions which are intercountry (the degree of overlap between out-of-court and intercountry adoptions is not known, but is likely to be very high).

116. Such roles have significantly increased demand on DHS resources, somewhat eased by the creation of an additional 2-3 Child Service Officer positions in Belize City. These functions have been absorbed by the existing Community Development Officers in the other districts, in turn offset to some degree by the transfer of some of their former responsibilities under the Village Councils Act to officers in the Ministry of Rural Development. Nevertheless, the workload now assigned to DHS by these new provisions, together with its officers assuming multiple roles (guardian ad litem in adoption matters, prosecutor in abuse and neglect matters, officer submitting the court report and, on occasion, a witness on behalf of a child), supports a review of the merit of devolving one or more of those roles to

a trained prosecutor or retained legal expertise, and perhaps community-based guardians ad litem, appropriately trained, registered and oversighted by FSD or an authorised NGO such as NOPCA.

117. The Families and Children Act also makes special provision for the formal recognition, upon application by a person or couple, of de facto adoptions in existence for at least two years, without requiring the consent of the birth-parent or guardian, provided that the court is satisfied that “it is just and equitable and for the welfare of the child” to dispense with such consent (S. 144).

118. On inter-country adoption, two points are noted. First, the new Act no longer requires that the applicant be resident in Belize. This is likely a formal acknowledgement of reality, which would be improved if there was a formal separation between the applicant’s legal representative and the child’s guardian ad litem. Second, the requirement of sub-article (b) continues to not be met, to the extent that it is not a requirement that appropriate domestic remedies (such as in-country adoption or fostering) be a first priority. A non-resident of Belize (whether or not Belizean) is required to provide a current recommendation of suitability from a competent authority in the country of residence (S. 135 (6)). A non-Belizean is additionally required to not have a criminal record, and to satisfy the court that the adoption order will be respected and recognised in their country of origin (S. 137 (1)).

119. It is, however, emphasised that there remains no legislative or administrative provision to address domestic remedies before processing an application for an inter-country adoption, and that consequently there remains inadequate provision to comply with the terms of Article 20 (3), which requires that “due regard shall be paid to the desirability of continuity in a child’s upbringing and to the child’s ethnic, religious, cultural and linguistic background”.

120. Despite the more comprehensive procedures for processing adoptions, informal adoptions persist. In normal instances, the families involved would rarely even view such actions as an adoption situation. Often, a child born to a teenage mother may be passed to another family member, close relative or even friend to ‘mind’. In some cases, it is understood that a child handed to another family after birth may not even be meant to remain there permanently. In other cases, parents – usually the mother – find or seek an employment opportunity in another country and leave the child with grandparents or other relatives, usually with the intent of repatriating funds for the child’s support or for reuniting with the child when opportunity permits. Too often, these aspirations are not realised. However, of greater concern are anecdotal reports<sup>17</sup> of instances where some Mestizo households in financial distress are having their children informally adopted by Mennonite families in rural areas, to strengthen the child’s chances of an education and of vocational opportunities in the agricultural sector. There are also reports of agents of some evangelical churches ‘scouting’ poorer rural communities looking for children to adopt into families in the USA.

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<sup>17</sup> In several parts of this report, reference is made to ‘anecdotal reports’. In all such instances, the source of the anecdotal report is one or more government or non-governmental agencies engaged in the area and considered to have sufficient grounds to make such comment. The decision not to name the agency has normally been made at the discretion of the author on the basis of the confidentiality of the agency given the nature of the issue.

121. In 2000, there were 41 cases of adoption, 30 of which FSD provided direct services and the remaining 11 of which it coordinated services. About 30% of those adoptions were intercountry, but specific data are not readily available. For 2001, FSD advises that there were 46 adoptions, of which just two were intercountry adoptions. Data are also not available on any extent of usage of the de facto adoption provision.

122. An unintended gap in the adoption provisions relates to the child born out of Belize and who resides in Belize, but may lack a parent or guardian who is of Belizean nationality or who is willing to make such application for nationality. A small number of such cases have arisen amongst the abandoned or orphaned offspring of undocumented Central American immigrants. It is legal for a non-Belizean not living in Belize to adopt a Belizean child, but not for a Belizean to adopt a non-Belizean child living in Belize. This could be rectified by an amendment to the Families and Children Act (S. 137) to add a new sub-section dealing with the adoption of a non-Belizean child, or else by granting discretion to the Minister of Immigration or the Minister with responsibility for children to approve such adoptions on a case-by-case basis.

123. Belize is not a party to the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption.

#### I. Periodic review of placement

##### Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

124. The Initial Report continues to be relevant with respect to mental health care. The Families and Children Act provides that the court may make a care order to place a child in the care of foster parents or an approved children's home (S. 106 (1)), and that a care order (depending upon the child's age) may be for a maximum of three years or until the child turns eighteen years (whichever is shorter) (S. 108 (1)). The Act further provides that "a care order shall be reviewed at least once in ninety days by the social services practitioner who may make recommendations as to the steps to be taken having regard to the outcome of the review" (S. 108 (2)).

125. This has been the practice by FSD with respect to three of the five children's institutions in Belize (of the other two, one was located in a remote area of Toledo District and closed operations in September 2002, and the other institution has been resistant to government 'interference' in its affairs, asserting – with MoE support – that it is a boarding school. In practice, FSD usually has met with a children's home each month to review placements, as well as having taken steps to strengthen the operational protocols in each home. These steps have also been cognisant of the Act's requirement that it is "the responsibility of the staff of the approved children home, the social services practitioner and any other person to assist the child to become reunited with his parents or guardians" (S. 124 (2)).

126. The Cayo Deaf Institute is a residential children's facility which claims to be a boarding school and therefore not subject to standards or monitoring as a children's institution, despite not being deemed as such by MoE. It houses children as young as seven years, with very infrequent home visits.

One very recent development has been that of a non-Belizean group seeking to establish a residential children's facility for a purported 300 children, 'recruited' from as young an age as is possible. There is concern that children more appropriately left with their families or in smaller facilities closer to families, or in foster care, may be volunteered into such care due to better levels of external financing. The regulations currently being drafted will need to be conscious of such matters.

127. One area that FSD has more recently identified as requiring attention is that care orders from the courts are often not accompanied by the relevant information on the child, which is central to the periodic review, as well as to ensuring that the institution is adequately informed about the child. This matter is presently being addressed.

J. Abuse and neglect, including physical and psychological recovery and social reintegration

#### Article 19

- 1) States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
- 2) Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

#### Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

128. Belize has made significant changes to its laws governing the abuse – including sexual abuse – of children in recent years. The Law Reform (Miscellaneous Provisions) Act 1998 amended the Evidence Act (S. 74) so that, in rape trials, a woman victim's "generally immoral character" may no longer be introduced as evidence, and that the "sexual experience of a complainant with a person other than the defendant" may only be raised in trial with the leave of the judge. It also empowers senior police officers to apply to a magistrate for a 'sex offender order' to be granted for at least five years against a person previously convicted of a sex offence (or found not guilty by reason of insanity or disability), who has subsequently acted in a way to give reasonable cause to believe there is a possible risk.

129. The Criminal Code (Amendment) Act 1999 amended the Code to extend the offence of rape to include marital rape, and strengthened the provisions and penalties applying to carnal knowledge of a female child. Marital rape is defined as sexual intercourse between spouses, without the female's consent, and where the male knows that she doesn't consent or is 'recklessly not caring' whether or

not she consents, within various defined circumstances (such as separation, or whilst divorce proceedings are underway, or the sexual act is preceded or accompanied by assault or injury to the female). Marital rape does not apply to a 'common law union'. A conviction for marital rape carries a penalty of between eight years and life in prison.

130. The 1999 Act also amended the laws governing carnal knowledge of women and girls, generally simplifying the provisions and strengthening the penalties within the Code. The Code had provided penalties between two years and life imprisonment for carnal knowledge of girls below 14 years of age, depending upon their age. It now mandates between 12 years and life imprisonment if the girl victim is below 14 years (S. 47 (1)). Consent is not a defence. For carnal knowledge of a girl aged 14 or 15 years, or of girls or women with a severe intellectual incapacity ("female idiot or imbecile") provided that it is proven that the offender knew of that incapacity, the previous penalty of a maximum of two years imprisonment has been replaced by a period of imprisonment of between five and ten years (S. 47 (2)). Again, consent is not a defence.

131. The Code provided that, where an offender reasonably believed that the girl victim was aged at least 16 years, then this is a valid defence on the first occasion, where the offender is aged 20 years or under. This now applies on that first occasion where the offender is aged less than 18 years, or if 18 years or older that reasonable belief may be treated as a mitigating circumstance. In any event, the mandatory minimum sentence is now five years imprisonment (S. 47 (2)(a)(i) & (ii)).

132. A further new provision means that a conviction for a sexual offence which is not the first such offence now requires, in addition to the prescribed penalty, the undergoing of mandatory counselling, or medical or psychological assessment, and that the offender not move without notifying authorities (new S. 65). The Superintendent of Prisons is required to notify the Commissioner of Police and the Director, DHS, upon the release of such a person from prison. For a person found guilty of a third offence of rape or carnal knowledge of a girl aged less than 14 years, a mandatory life sentence shall apply (S. 48).

133. Despite these improvements, a number of gender discriminatory provisions continue to exist in the treatment of children suffering sexual abuse, which fail to extend to the care and protection of the boy child. This matter is commented on in Chapter II.

134. As already noted, the Families and Children (Child Abuse) (Reporting) Regulations 1999 made the reporting of child abuse and sexual abuse mandatory. Specifically, the Act now provides that every person – including medical and education personnel, family members, police and any public servants dealing with children – must promptly report to the police or DHS any situations where they believe a child has suffered or is suffering from child abuse. The penalty for failing to do so – including 'unduly delaying' reporting – is up to \$1000 in fine or six months imprisonment or both. Such reports are to be promptly investigated and, if considered necessary, the child placed into protective custody (in which case, there must be a physical or psychological examination and (where applicable) medical treatment). The police or DHS must notify the magistrates court or Family Court within 48 hours, and the police are to institute criminal proceedings. This Regulation came into effect on 29 March 1999.

135. This requires that such cases are reported to either the Police or DHS. If the parents support the child in taking action, then only the Police need to be informed.<sup>18</sup> This weakens the comprehensiveness of formal records of child abuse, especially within DHS, which is responsible for submitting reports to the court. It is considered that there should be a requirement that DHS be formally informed of all cases of child abuse, regardless of the parent's attitude. An alternative option is for a requirement in all cases that the magistrate seek a court report, in which case DHS would be appraised of an incident of child abuse, but the placing of the onus on the Police earlier in the process is a preferable course of action. Further, DHS should be advised of instances where the parent seems to be wavering about proceeding with a prosecution, so that reasons and the child's interests can be assessed. (FSD estimates that more than 50% of complaints about child abuse, sexual abuse and neglect are withdrawn and not proceeded with.)

136. As earlier stated, an Ombudsman was appointed in 1999, and may initiate investigations. As at late 2001, two self-initiated investigations have been undertaken concerning children. One of those matters in particular warrants brief comment, as it has attracted a deal of media attention. In 2001, a man was found guilty of molesting his seven year old step-daughter, and ordered to pay an amount of \$600 into a trust account for her. Given the efforts by the Government to strengthen penalties for sexual offences against women and girls, such a lenient sentence has raised widespread concern, and several possible difficulties with current arrangements merit mention, as expressed by professionals in various relevant agencies:

- the police occasionally weaken charges in order to be more confident of securing a conviction (this is a view repudiated by the police);
- faced with a non-legally trained prosecutor and a defence attorney – as may occur in such matters where FSD acts on behalf of the child – a magistrate is sometimes more likely to defer to the latter regardless of the weight of argument;
- in matters of sexual abuse of a child, the most accessible doctor for performing an examination is often a private doctor, who is too often simply unwilling to make the necessary time available for giving evidence in a court case;
- doctors to whom cases of child abuse are reported do not always comply with mandatory reporting requirements, as evidenced by parents who later approach FSD for progress on a complaint, of which FSD confirms that there has been no report made;
- the Medico-Legal Report form used by the police requires the inspecting doctor to state whether the injuries sustained constitute either harm, wounding, grievous harm, dangerous harm or maim, and that doctors will – in concluding that an injury has been perpetrated – too frequently adopt the lesser definition.

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<sup>18</sup> Family Violence Units were established within the Police Department in all districts in November 1999, and DHS has assisted it in providing training for police officers (this is also now a part of police cadet training). Officers in those Units are responsible for undertaking initial investigations of all child abuse and neglect cases.



This adds up to a range of grounds upon which the application of the laws governing sexual abuse or carnal knowledge of girls may be being inadequately applied. In a workshop in early 2001, involving medical, law enforcement, Departmental, judiciary, media and NGO participation, proposals made included:

- a guardian ad litem should be appointed in cases related to child abuse and neglect;
- the medical definition of such terms as ‘harm’ and ‘penetration’ should match the legal definition;
- liaise with the judiciary to ensure that procedures avoid taking up undue time of a doctor witness;
- prepare and implement standardised medical protocols for all sexual abuse matters;
- enforce the law on mandatory reporting for medical personnel, especially those in private practice;
- collaborate with stakeholders to revise the Medico-Legal form;
- FSD and the judiciary need to collaborate in the preparation of child witnesses;
- FSD should be immediately informed in the event that a parent seems to be wavering in the prosecution of a child abuse, child sexual abuse or child neglect case.<sup>19</sup>

137. In response to a number of those concerns, the Minister for Human Development introduced the Families and Children (Child Abuse) (Reporting) Regulations 2002 to address a range of shortcomings identified in the operation of the Families and Children Act:

- defining a social services practitioner;
- providing more flexibility to doctors in defining and classifying the injury to a child;
- mandating the presentation to the court of the medical certificate for an abused child;
- mandating that the police report all child abuse instances to DHS;
- providing protection and privacy to the child in giving evidence in court proceedings; and
- requiring that a court-appointed ‘friend of the court’ (amicus curiae) be present in all cases of child abuse.

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<sup>19</sup> ‘Family Strengthening Consultation Report’, Ministry of Human Development, Women and Civil Society, Belize City, 12 January 2001.

138. The Statutory Instrument bringing these regulations into effect was signed by the Minister at the National Conference on Child Protection and Child Rights, organised by NOPCA to mark its 10<sup>th</sup> anniversary in January 2002.

139. The introduction of mandatory reporting has also highlighted the limited expertise of DHS staff in the prosecution of such matters in the court system. Some high profile cases have been 'lost' in the court, and this has adverse consequences in the effective pursuit of an increased incidence of subsequent cases. The current workload and limited expertise across the investigations, prosecution, documentation and rehabilitation areas all need addressing, with attention given to a potential multi-agency approach around the child's welfare, to overcome a perceived weakness in the Act's current application in this regard. This should be accompanied by the preparation of a procedures manual for the handling of child abuse cases, including guidelines for the courts, and consideration of the potential for supervised outsourcing of a guardian ad litem role beyond the adoption process to appropriate non-DHS personnel or agencies.

140. Specific attention must also be given to the incidence of sexual abuse of boys. Whilst there has been greater recognition of this problem, the laws remain inadequate, and the social inculcation of homophobia is a severe limitation in encouraging boys to report abuse.

141. Records on child protection referrals illustrate the impact of mandatory reporting. In the four years to 1998, FSD received an annual average of 201 referrals (including 109 for neglect/abandonment, 63 for physical abuse, 27 for sexual abuse); the annual average for the three years 1999 to 2001 was 586 referrals (280 for neglect/abandonment, 120 for physical abuse, 144 for sexual abuse, and 42 for emotional/verbal abuse). The number of referrals is close to trebling, with sexual abuse referrals undergoing more than a five-fold increase.

142. The introduction of mandatory reporting makes it presently difficult to ascertain trends with respect to the incidence (as distinct from the reporting) of child abuse. Hopefully, this situation will be clearer at the time of the next Periodic Report. However, one matter that is difficult to identify as a possible trend but which needs urgent attention is of increased reports that girls in financial difficulty are 'consenting' to sexual abuse in order to secure money, clothing and goods to enable them to continue with their schooling. This may have been exacerbated by increasing poverty and underemployment, coexisting with increased numbers of single-parent families. It also may reinforce the need for greater attention to compliance with child maintenance payments in the Family Court. Regardless, this is an issue that may be more common than is presently understood, and needs closer scrutiny to determine action which may be taken.

143. Despite greater awareness of the abusiveness and even counter-productive nature of corporal punishment, and improved familiarity with more constructive alternatives, such punishment is still widely in use in Belize. Action has been taken to reform and strengthen standards of care in institutions and to raise public awareness and improve education through such agencies as the media, schools, Government departments (such as DHS, FSD) and NGOs (such as NOPCA, BFLA). However, the use of corporal punishment in families, schools and institutions remains widespread. One strategic failing in the past was in trying to prohibit a popular form of punishment without sufficient attention to promoting suitable options. Consequently, many parents and teachers resisted being told to cease such practices in the absence of alternative coping strategies, given that resort to corporal punishment normally reflects shortcomings in this regard, and/or a breakdown in the

adult's own self-control from time to time. This oversight has been addressed in more recent years, but resistance remains strong.

144. The Education Rules state that corporal punishment may only be administered by the principal or by a senior staff member with the principal's authorisation, that it must be as a last resort, and not excessive (S. 141 (2) & (3)).<sup>20</sup> Furthermore, corporal punishment may only be used for "serious and repeated offences" (Education Act, S. 27); that is, the offence must be both serious and repeated, not either serious or repeated. In practice, there are numerous reports that corporal punishment is used for lesser and one-off offences, with unlikely due regard to alternatives, and evidently often without the principal's explicit authorisation. Such practices contravene the Education Act.

145. A particular problem is a view that is held that corporal punishment – which is likely to have been introduced as a form of discipline under colonial rule or as a remnant of slavery practice (two different variations of 'adult' punishment of 'child') – is an element of Belizean 'culture', and furthermore that if it is a part of the culture, then it is – apparently by definition – appropriate. Two articles in the same recent edition of one of Belize's weekly newspapers illustrate the strength of opinion. One commentator considers the increase in lawlessness and insecurity within the community.

146. "How did this situation come about? I think it has been gradually getting worse throughout the years, but it started when we took away the authority of headmasters of public schools to deal with unruly children. ... I think it might have been a mistake for our leaders to accept the methods prescribed in conventions they have agreed to over the years and rejected our own cultural methods, which have been very successful."<sup>21</sup> (emphasis added)

147. The Chief Executive Officer of MoE, considering the apparent failure by many teachers to teach the new National Comprehensive Curriculum, comments on the conflicting philosophy of that curriculum and of many teachers by noting that:

" teachers in Belize as a bloc are opposed to some of the fundamental tenets in the Convention on the Rights of the Child, a convention to which Belize has signed on and ratified. For example, teachers most vociferously argued for the corporal punishment clause, whereby

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<sup>20</sup> The *Education Act* requires that such punishment shall be neither excessive nor harmful to the child (S. 24C). 'Harmful' does not appear in the Rules.

<sup>21</sup> C B Hyde, "A Call for Discipline and Order", *Amandala Belize*, 2 December 2001, p. 12. Of course, the *Education Act* specifically empowers principals in this regard, rather than taking away their 'authority'.

teachers can whip students as a last resort to discipline, to remain in the new handbook of policy and procedures governing schools in the form that it was in the 1972 education rules.”<sup>22</sup>

148. This is a matter of serious concern. It is understood that the November 1999 draft of MoE’s new curriculum excluded corporal punishment, but that this was overturned under teachers’ pressure. The entrenched resistance of teachers has evidently outweighed the Government’s own obligations under an international treaty. HRCB reports that it has received no complaints concerning corporal punishment by principals, but a number of complaints of teachers hitting, beating, punching and otherwise assaulting students. The weight of teacher pressure for, and use by teachers rather than principals of, corporal punishment is acknowledged in the CEO’s above comment, and suggests that this is an issue that the Ministry is finding it difficult to properly control.

149. In view of the provisions within both the CRC and the Education Act, it is evident that MoE needs to require more rigorous compliance in practice. Short of an outright prohibition on corporal punishment, urgent attention is required to ensure that it only apply to offences that are both serious and repeated. Breaching of this legislative provision leaves school principals and teachers open to a formal complaint to the Ombudsman.

150. The Education Rules need to clarify what constitutes a serious offence. For an offence to be repeated must require that the student has been provided prior warning of the consequences of further such offence. Both that an offence is serious and that corporal punishment has been administered should require that a written entry be made in the Log Book which each school is required to maintain. This should include the nature of the offence, that a formal prior warning was given, the teacher administering the punishment, and the principal’s authorisation. Finally, the Rules need to specify, for serious offences and the administration of a last resort punishment, what review or appeal provisions exist. Such provisions ought to be applied across the entire education system, regardless of whether or not it is a school receiving GOB assistance.

151. Within the family setting, the contemporary absence of the traditional extended family limits the range of effective options which had often been available to parents in child-rearing. This cannot serve as a means of sanctioning the practice, but needs to inform strategies for educating about alternatives. Similarly the notion that a distinction may be made between ‘punishment’ and ‘discipline’, as any form of abuse of a child remains abuse of that child, regardless of the context and motive.

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<sup>22</sup> Dorian A Barrow, PhD, “Road Block: why many of our teachers won’t teach our kids the new national curriculum”, *ibid*, p. 30

152. Even so, it needs to be noted that the Criminal Code Act makes provisions for the legal use of force on a child. Given the contentious and difficult nature of this issue, the relevant section is cited in full:

“(1) A blow or other force not in any case extending to a wound or grievous harm may be justified for the purpose of correction, as follows:

(a) A parent may correct his child being under sixteen years of age, or any guardian or person acting as a guardian may correct his ward being under sixteen years of age, for misconduct, or for disobedience to any lawful command.

(b) A parent or guardian, or person acting as a guardian may delegate to any person whom he entrusts permanently or temporarily with the governance or custody of his child or ward all his own authority for correction, including the power to determine in what cases correction ought to be inflicted, and such delegation shall be presumed, except in so far as it is expressly withheld, in the case of a schoolmaster or person acting as a schoolmaster in respect of a child or ward.

(2) A person who is authorised to inflict correction as in this section mentioned may, in any particular case, delegate to any fit person the infliction of such correction.

(3) No correction can be justified which is unreasonable in kind or in degree regard being had to the age and physical and mental condition of the person on whom it is inflicted, and no correction can be justified in the case of a person who, by reason of tender years or otherwise, is incapable of understanding the purpose for which it is inflicted.” (S. 39)

153. The provisions of the Education Act would likely prevail with respect to the infliction of corporal punishment on a student but, should such “a blow or other force” extend to a wound or grievous harm, the teacher would clearly be in contravention of the Criminal Code, as would a parent or guardian. Similarly, the reintroduction in February 2000 at the Hattieville Prison of the flogging by tamarind whip of juveniles may be deemed under the provisions of the Criminal Code Act to exceed reasonable standards of corrections, and should be reviewed. The normal provision for the presence at such floggings of a medical person is likely an acknowledgement of the potential for the infliction of “a wound or grievous harm”.

154. Agencies like NOPCA and DHS continue to endeavour to change attitudes, improve awareness and promote alternatives with respect to child abuse and neglect. DHS continues its work with the media, with media awareness workshops and public service announcements and, with NCFC, publicising issues from cases. DHS reports that the media are increasingly contacting it for information on cases, which serves to generate increased public awareness.

155. NOPCA conducted a conference in 1999 for 166 teachers, on alternative forms of discipline, and produced a handbook for teachers which was distributed nationally to schools. In 2000, it conducted district-level workshops for teachers, to try to assess the utility of the handbook, and incorporated self-esteem building techniques in its workshops (for both students and teachers). In 2001, it trained 350 teachers across all districts in alternative forms of discipline. It has also developed a Virtues Guide, to assist teachers to teach ‘values’, and continues to conduct periodic visits to those schools where teachers participated in its training, and in its efforts to promote child-friendly schools.

156. The legislative provisions with respect to child abuse and neglect are considered to be satisfactory following recent amendments. Nevertheless, there are some areas requiring attention, including removing gender-based provisions which leave many boys vulnerable. The application of these laws requires continuing attention. The present framework is satisfactory, apart from the need to review the multiple roles of DHS staff as 'prosecutor', impartial writer of investigatory reports for the court, 'child advocate' and child witness, and the merit of involving NGOs or other suitable persons in such roles (appropriately skilled, registered and supervised), possibly including in the authorised role of *amicus curiae*.

157. There are also increasing anecdotal reports of the sexual and labour exploitation of children, as well as drug and alcohol problems amongst children, within the Corozal Commercial Free Zone. During 2002, the Ministry of Labour placed a Labour Officer within the Zone to, in part, monitor such problems.

158. However, with respect to corporal punishment, it is clear that teaching, parental and institutional attitudes and practices are entrenched. The notion that this form of abuse is a cultural norm severely inhibits effective responses, which need to combine more proactive strategies by MoE, and continued efforts to equip teachers, parents and institutional staff with alternative strategies. In the meantime, it is apparent that however successful may be efforts to promote alternatives, there remains widespread resistance to abandoning this form of abuse as a socially acceptable practice in child-rearing. This will require stronger political will reinforced by stronger officer-level enforcement.

## **VI. BASIC HEALTH AND WELFARE**

### **A. Disabled children**

#### **Article 23**

- (1) States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
- (2) States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
- (3) Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

- (4) States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

159. In early 2000, GOB made a decision to 'divest' disability services, and the associated Cabinet decision required MHD to develop a 'divestment plan' related to the existing functions and services of the Disability Services Division (DSD), which had been established in 1986 with the stated goals to:

- provide rehabilitation services at the community level for disabled persons; and
- provide advocacy for disabled persons and their families in obtaining community services.

160. MHD is to continue to maintain its mandate in this area, such as in overarching policy and planning matters and the monitoring of service provision to people with a disability. In the meantime – and regardless of the failure to-date to ensure that adequate substitute roles had been taken up outside of GOB – the early screening of infants for disabilities ceased in April 2000 (so that there is now only very limited national disability screening of under-5 year olds). DSD was disbanded in early 2001, the associated positions have lapsed and the officers reassigned, and the majority of the Division's rehabilitation equipment and prostheses – which had comprised a lending pool – has been transferred to MoE's Special Education Unit (SEU), which has assumed some limited additional services in Belize City for hearing impairment.

161. Under present conditions, main GOB support for children with a disability occurs through the SEU. That Unit continues in its range of services, such as teacher training, the provision of testing and screening services, development of procedures and practice manuals and public awareness activities. During 2001, SEU trained 31 teachers in a two-day workshop on teaching students with dyslexia and speech problems, and is producing an associated training video. It continues to provide transport support for itinerant teachers to participate in such training. In 2001, it also trained 15 school principals on special needs students, especially concerning accommodating their needs, determining their priorities, and criteria for school enrolment to better cater to students with a disability. The outcomes of this workshop are to be used to inform the development of a standard national procedure in this regard. Work has also commenced on the preparation of manuals for schools on accommodating the special needs of the hearing and visually impaired, and the Unit is also preparing to establish therapy clinics in the Stann Creek and Toledo Districts for physical disabilities.<sup>23</sup>

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<sup>23</sup> A 2000 study by MoE found that there is still inadequate provision being made for students with a disability. (Gillett, Ellajean (2000), Survey to Enhance Access to Education for Children from Socially and Economically Disadvantaged Families and Communities, Ministry of Education & Sports.)

162. The coverage of the SEU's work also highlights the present absence of support and assistance to children outside the compulsory school age: under 5 years and over 14 years. For infants in particular, the decision to disband existing services without divestment having been undertaken has had unfortunate consequences. This is most obviously the case with the lack of screening of infants since early 2000. Previously, screening of infants by DSD had occurred via weekly visits to Health Clinics, and from specific referrals by nurses through those clinics. Screening was performed by DSD district staff, and had ensured reasonably comprehensive coverage. With no agency yet taking up the 'divested' responsibilities in this regard, there has been no central agency coordinating such roles as training, community awareness, advocacy, identification or referral. During 2002, a new NGO (CARE-Belize) was being established to assume some of those roles, and to enable the divestment process to be completed.

163. By the end of 2001, external donor support had been secured for a pilot service in the Toledo District to provide a service across the disability area, in close collaboration with MHD and the Belize Council for the Visually Impaired (BCVI).

164. Of particular concern is the matter of children with an intellectual disability, which manifests itself in the form of 'slow-learners'. This is a disability which is often not evident until the onset of abstract thinking at around seven years of age. Early screening had been particularly effective in the early detection of severe disabilities and of potential learning problems. In this regard, DSD had been able to work with parents in the critical early years to build their confidence, understanding and acceptance prior to the disability manifesting itself. The cessation of early detection may exacerbate the severity of the disability during the stages of child and adolescent development.

165. An impediment to divestment has been the lack of functional NGOs in the disability area. Whilst local service clubs continue to deliver occasional services for specific disabilities, most disability NGOs have suffered severe loss of momentum, whether for lack of resources or volunteer commitment.<sup>24</sup> An exception is BCVI, which has continued to develop a range of services to and coverage of visually impaired people. In 2000, it trained 77 nurses and teachers, conducted eye examinations for 1047 children, and screened 3764 children in schools, of whom 147 were referred for specialist treatment. In the late 1990s it established an ophthalmological clinic, and it provides rehabilitation services to 42 children aged 0-15 years (of whom 15 are blind and 27 have low vision), and translates school texts into Braille. BCVI holds clinics countrywide and in 2000, 414 clinics were held at its bases, and 55 outreach clinics were held. Its register of blind people, established in 1988, presently has 1050 people, and this is estimated to comprise approximately 50% actual national coverage (52% male, 6% aged 0-14 years). BCVI has developed its Toledo office – the most disadvantaged district – as its second main base after Belize City (which has most of the population), given that Toledo has the second highest incidence of need (17%), with 38% in Belize District of the

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<sup>24</sup> Steps were initiated in early 2002 to try to ensure the development of an appropriate NGO to assume the divested roles.



causes of visual impairment, the most frequent is cataracts (44%), followed by glaucoma (22%) and diabetic retinopathy (9%).<sup>25</sup>

166. BCVI reports that it has observed a congenital eye disorder in a number of Maya children within Toledo District, with an additional one or two children born each year with a white blind eye. Occasionally this condition is bilateral. In 2001, BCVI has 17 children aged 0-4 years registered with this condition, with eight being from Toledo. Furthermore, uncorrected refractive errors affect about 10-15% of school-age children in Belize, with severe adverse consequences for their development and quality of life, exacerbated by other pathologies such as strabismus, amblyopia and chorioretinal scars, and a high incidence of eye injuries. BCVI reports that there are presently 71 5-19 year olds who meet the legal definition of blindness and need rehabilitation and special education services.<sup>26</sup>

167. In the area of hearing impairment, the Mennonite community has now established a Cayo Deaf Institute in the former Listowel facility of MHD, which is located in the Spanish Lookout area – a major rural centre of the Mennonite community. (Separate comment is made at Chapter V, Section I.)

168. Finally, some earlier reports foreshadowed specific disability legislation, including in order to address concerns such as disabled rights and access to education and employment, the rights of disabled children, and the provision of institutional care for children with intellectual disabilities. However, it is noted that, contrary to such comment, there has not been work done to develop such legislation.

B. Health and health services

Article 24

- (1) States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.
- (2) States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:
  - (a) To diminish infant and child mortality;
  - (b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

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<sup>25</sup> Belize Council for the Visually Impaired (2001), B.C.V.I. Action Plan, June 2001 to June 2004

<sup>26</sup> *ibid*

- (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;
  - (d) To ensure appropriate pre-natal and post-natal health care for mothers;
  - (e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;
  - (f) To develop preventive health care, guidance for parents and family planning education and services.
- (3) States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.
- (4) States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

169. The Ministry of Health (MoH) delivers primary and secondary health care through a network of eight district level hospitals, 44 health centres and mobile clinics. Of the hospitals, one serves as a psychiatric hospital, one as a national referral hospital, three as regional hospitals providing secondary health care, and three providing mostly primary health care. Whilst there were 37 health centres in 2000, there were 44 by 2001, including in very remote areas. Each health centre includes a Child Wellness Clinic under the supervision of the Maternal and Child Health (MCH) Unit. A mobile health unit reaches communities countrywide every six to eight weeks for delivery of MCH care.

170. As the result of the implementation of a technical cooperation program between GOB and the Government of Cuba in 1999, the population coverage by doctors at the community level, including some rural areas, has increased from 6.5 per 10,000 people in 1998 to 10.0 per 10,000 people in 2001. In recent years, health administration has been devolved to four districts, with distinct overseeing roles for medical professionals and administrative personnel. This has transferred some greater autonomy in resource allocation and priority-setting to the district level, but it has thus also been claimed to make it more difficult to uniformly apply national policy changes and easier to see local resources shift away from national priorities, whilst also seeing scarce district-level resources shared between medical services and devolved administrative functions.

171. In October 1999, the MCH Unit introduced a revised and expanded Care and Growth Chart for all under-5 year olds. The Chart is in the form of a card which the Clinics may hold as a detailed register for each child, and covers nutrition details, vaccination records, weight-to-age data, standard food recommendations, micronutrient supplementation, perinatal history, and a parental checklist for development screening to the first year. Weight-to-age data now distinguish between genders. This Chart has put in place a comprehensive national record of the status of the health and wellbeing of nearly all Belizean children (given that BCG coverage is around 96% and administered during the infant's first visit to the Clinic).

172. A special multi-sectoral, multi-ministerial program was introduced in 1999 to address health education and access to services. The four components of the School Health and Physical Education Services (SHAPES) program are services, environmental health, health education and physical and educational sports, with a focus on institutionalising health education by integrating it into the primary school and teacher training curriculums. Its service program also seeks to ensure that children receive specific health services such as ear, eye and dental care, as well as daily nutritious meals for children in need.

173. Also introduced in 1999 was the NHIS, which is a computerised menu-driven system that generates a Health Identification Card for each person upon first contact and is constantly updated with new patient information. NHIS maintains patient histories, provides surveillance of health priorities (such as communicable diseases, domestic violence and nutritional status) and supports district management. It will markedly improve the storage and retrieval of comprehensive and consistent data for research and monitoring purposes, especially for children and infants as lifetime records accumulate (the Care and Growth Chart records establish a Health Information Card for each infant).

#### Child Mortality

174. Belize has halved its Infant Mortality Rate (IMR) and Under-5 Mortality Rate (U5MR) over the past decade (IMR: 42 (88), 21.5 (00); U5MR: 53 (88), 26.0 (00) (per 1000 live births)). However, geographic disparities remain, although it must be noted that, whilst the 1991 Census indicated that the Toledo District had the highest rate (IMR: 53), more recent data show that it has one of the lowest rates (IMR: 16 (98)) (Stann Creek District having the highest at 25); similarly, its 1998 U5MR of 24 was just below the national average (Corozal District having the highest at 36). The Stann Creek District is host to a relatively large migrant workforce, employed within the citrus and banana industries. The higher IMR in Corozal is believed to have been skewed by the number of unregistered births taking place across the Mexican border and corresponding recording of infant deaths occurring within the district.

175. The improvements nationally are believed to demonstrate the success of intervention measures taken in this period, such as improved access to clean water, and training of Traditional Birth Attendants (TBAs) and Community Health Workers, particularly targeted within the Toledo District over the past decade. However, it needs to be noted that under-reporting of deaths has traditionally been highest in this district although, if there has been any change, this is likely to have improved in that time. Nevertheless, it is important that no relaxation occur in such measures and services unless and until the sustainability of such interventions has been established.

176. Of concern is that infant deaths account for approximately 80% of all deaths to under-5 year olds. The main causes of infant deaths are 'slow fetal growth, fetal malnutrition and immaturity', followed by 'hypoxia, birth asphyxia and other respiratory conditions' and 'congenital abnormalities'. This implies that better care before and during pregnancy could significantly lower the number of infant deaths even further. The main causes of death to 1-4 year olds are respiratory and intestinal infections. According to MoH, in most cases the cause of death is viral in nature and imported from neighbouring countries. It is noted that laboratory tests are not carried out for confirmation. Poor breast-feeding practices and lack of access to clean water partially explain the high rate of intestinal infections.

### Immunization

177. Vaccination coverage for DPT, measles, polio and tuberculosis increased marginally to 1999, but had not yet met the 90% minimum coverage goal, although this target had been met in at least two districts. Two difficulties had been the limited availability of transportation for mobile clinics and transitory migration levels in the two districts below the 90% goal (Stann Creek and Cayo). It is reported that transportation for the Mobile Health Unit is no longer a problem. Measles coverage in fact dropped from 80% in 1991 to 74% in 1996, and had returned to 82% by 1999. However, a 'catch up' campaign undertaken by the MCH Unit ended in 2001, with 100% coverage.

178. The MCH Unit has undertaken strategic measures to achieve comprehensive vaccination coverage. It initiated a maternal mortality rate campaign in 1997, for all under-5 year olds, and extended this to all females aged 5 to 35 years in 1998. By 1999, coverage in one district exceeded 95%, in a second district exceeded 92% and was between 85% and 89% in the other four districts. By 2000, one district had reached 99%, a second district exceeded 95% and the other four districts had reached between 88% and 90%. The 90% immunization goal had been met by 2000, and significant improvement continues to be made. Coverage for tuberculosis (BCG) is at approximately 96% nationally.

179. In October 1999, the MCH Unit also introduced Hepatitis B vaccinations and, in January 2001, it introduced haemophyllus influenza (Hib) vaccinations.

180. In 1999, the Unit produced the second edition of the 1990 publication 'Norms for the National Expanded Programme on Immunization (EPI)', which added chapters on cold chain and safe immunization practices. In the same year, it also produced the 'Protocol for the Management of Pregnant Women Exposed to the Rubella Virus' and the 'Protocol for the Management of Congenital Rubella Syndrome'.

### Infant Nutrition

181. MCH data indicate that approximately 97% of all diarrheal cases brought to the Ministry's Child-Wellness Centres were treated with Oral Rehydration Therapy (ORT), of which 11% is administered by trained personnel and the remainder at home (1999 estimates). In 1991, only 44% of diarrhea cases were treated with ORT, although this included cases not brought to the attention of the MCH Unit, so that comparisons are not easily made (although it is likely that MoH coverage is now much higher even if the 1999 estimate would be lower if all cases were included).

182. A National Breastfeeding Policy was adopted in 1998, but implementation has been problematic. The MCH Unit is actively pursuing implementation, and there is a continuing urgent need for a dedicated focus on the promotion of and training in breastfeeding practice, especially since the closure of the NGO Breast Is Best League in the mid 1990s, due to lack of funding commitments.<sup>27</sup>

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<sup>27</sup> It is claimed that, despite the efforts of the Breast Is Best League in the educational, community awareness, training and counselling areas of promoting breastfeeding practices, there was inadequate improvement in such practice.

MCH Unit data for 1999 indicate that approximately 54% of babies are fully breast-fed up to one month of age, 38% are partially breast-fed and 8% never breast-fed (the corresponding 1991 data are 41%, 48% and 11% respectively). Those 1999 data indicate that approximately 45% of babies are fully breast-fed and 47% partially breast-fed up to the age of four months (corresponding 1991 data unavailable). These data refer only to those infants brought to the clinics, although it is noted that improved geographic coverage likely indicates a greater rate of improvement than otherwise suggested. There remains a need for the establishment of a breastfeeding coordinator position within MoH, to at least be a focal point for improved momentum in this area.

183. No hospital in Belize is yet classified as a Baby-Friendly Hospital, although the Ministry, in conjunction with UNICEF and PAHO are supposed to have by now certified the Corozal District Hospital as such. In 2000, a team from those agencies visited the Corozal, Dangriga and Orange Walk District Hospitals, and assessed Corozal as the most progressed. A proposed visit in late 2000 to Toledo District Hospital has not yet occurred, although it is considered that it could be the second to be certified. The Belize City-based Karl Heusner Memorial Hospital, which serves the largest population group, is understood to suffer special difficulties concerned with a lack of internal broadbased commitment or the burden of competing demands, which clearly needs to be addressed by MoH.

184. In 1996, GOB conducted the First Height Census of School Children of Belize. This survey covered 22,426 school children nationwide, aged six to nine years. It showed that, nationally, 15.4% were growth retarded, either moderately or severely (39% Toledo to 4.1% Belize District). Prevalence was higher in rural areas, and among Maya and Hispanic children. Children entering Infant I level showed the highest growth retardation, followed by a subsequent improvement up to Standard III. The rate for boys (at 18.2%) was 46% higher than the rate for girls (12.5%).<sup>28</sup> In 2000, BCVI, through PAHO, conducted a weight-to-height census, covering more than 10,000 children. The data are still awaiting analysis by the National Institute of Nutrition for Central America.

185. Stunting and growth retardation remain of concern. The MCH Unit monitors growth of children as a part of the attention it provides at its Child-Wellness Clinics. All children are routinely weighed and measured and the information recorded, and now distinguishes on the basis of the child's gender. It is estimated that monitoring has quite comprehensive coverage, given the high rate of BCG coverage. Such monitoring, though, will decline as the child ages and Clinic visits become less frequent. For older children, SHAPES may be able to institutionalise height for age measurement and recording. This type of information needs to be collected only triennially at most, so that arrangements may be made for those data collection years. This should represent a minimal extra cost to MoE.

186. In October 1999, the MCH Unit commenced Vitamin A supplementation of children and, since July 2001, it has provided Iron supplementation for children aged between six months and two years, which the Unit confidently expects will produce improvements in child school performance within the next 3-4 years. Although Vitamin A supplementation has been funded by UNICEF, GOB proposes to

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<sup>28</sup> Ministry of Education (1996), Closing the Gap: National Height Census of School Children in Belize, 1996

incorporate this within MoH's recurrent budget. The Iron supplementation is fully funded by MoH. The adoption by the MCH Unit in October 1999 of expanded Care and Growth Charts will be complemented by the adoption of more comprehensive Growth Charts for Health Centre records, commencing in all Clinics in 2002, and these records will include provisions for deworming as well.

187. There have been no substantial occurrences of iodine deficiency amongst Belizean children. Belize imports approximately 80% of its iodized salt from neighbouring countries, although there is a belief that this rate may have declined.

### Reproductive Health

188. Belize had a Total Fertility Rate (TFR) of 4.5 children per woman of reproductive age (15-44 year age group) in 1991. According to the 1999 Family Health Survey (FHS) the TFR had declined to 3.7, and is understood to indicate a declining trend in fertility. TFR is lowest for working women (2.4), women that have 8-10 household amenities (2.4) and women with nine or more years of education (2.7) (these rates were 2.9, 2.7 and 3.2, respectively, in 1991). The highest TFR are among women that have less than 3 household amenities (6.8) and women with less than eight years education (5.1). Women in urban areas have lower TFR (3.1) than women in rural areas (4.2), and the gap between the two groups has reduced since 1991, with a higher rate of decline in TFR in rural areas (28%) than in urban areas (20%). Although Mestizo women had a 28% decline in their TFR (to 3.5), their rate remains higher than that for Creoles (14% decline, to 3.1), but less than 'other ethnic groups' (4.8); corresponding 1991 rates were 3.6, 4.8 and 5.4, respectively. The two southern districts, Toledo and Stann Creek, have the highest rates, and rates decrease as years of education increase. The 20-24 age group remains the modal age group for childbearing.

189. All age groups experienced a decline in TFRs, but it is notable that the greatest decline was in the youngest (15-19 year old) age group, from 137 births per 1000 women in 1991 to 95 in 1999, a 31% decline. Among that age group, 87% did not have any children at the time of the survey, compared to 82% in 1991. For currently married teenagers, this change is even greater: from 27% in 1991 to 36% in 1999. This represents a 30% increase in the percentage of teenage women that did not have any children at the time of the surveys. Similarly, the rate of teenage women in marriage decreased from 18% in 1991 to 15% in 1999. These results are believed to be due to increased female participation in tertiary level education, delayed marriages, increased awareness of contraception, family life education and improved access to contraception. (However, it is also noted that the number of teenage women in visiting relationships increased by 45%, and the median age at first sexual union – at 16-19 years – is lower than in 1991, when it was 20-21 years. The fact that this has occurred alongside a declining TFR suggests the greater success of educational awareness efforts, whilst also providing a graphic reminder of the increasing potential for higher fertility should that effort be relaxed.)

190. The 1999 FHS also reveals that there has been an increase in the proportion of planned pregnancies (up from 65% in 1991 to 72%). Whilst the proportion of mistimed pregnancies decreases with age, that of unwanted pregnancies increases. Among the 15-19 year age group, 19% had at least one pregnancy in the past 5 years (down from 21% in 1991), and approximately 73% of teenagers planned their (last) pregnancy (slightly lower than the 75% rate for 1991).

191. Teenage women were the highest group (19%: 20% in 1991) pregnant at the time of the survey, although 66% of teenagers did not desire pregnancy (58% in 1991). Oral contraception is now about as frequent the form of contraception used as female sterilisation (around 11%), and Catholics are now the highest contraceptive users by religious grouping of married women. (Of the reasons why currently married women were not using contraception, 'religious reasons' was stated by 0.2%.)

192. A reproductive health policy was drafted following a Central American initiative in 2000, and following extensive consultations. The policy was handed to MoH in August 2001, and then went to Cabinet as an information paper. At Cabinet's request, some further redrafting occurred following a response from the Catholic Church (which had declined to participate in the earlier consultations). The amended policy is still waiting to be presented to Cabinet. In the meantime, MoH has introduced a proforma for Health Centres based on a 'family planning norm' of technical information on appropriate family planning methods.

193. In May 2000, MoH collaborated with the MoE Curriculum Unit on the teaching of reproductive health (along with other areas, such as food and nutrition, and adolescent development) in primary schools, with the participation of agencies such as BFLA. This is an important reinforcement of the gains made in child awareness of reproductive health issues. A 1993 study of female adolescent pregnancy in Belize noted that 65% of 15-24 year olds had received such education at school (although this was only so for 23% of Mayan respondents).<sup>29</sup> This rate would have improved since then, and this effort needs to be maintained in view of its evident success.

194. Of all deliveries, 78% occur within the public health system, 17% in the private health system, 3% are non-institutional deliveries using a TBA, and the remaining 2% are by empirical birth attendants. It is important to note the primary importance of the public health system in child-birth, and the accompanying capacity of the MCH Unit to ensure effective monitoring, screening and vaccination services. This is presently important in view of the recent piloting of a National Health Insurance (NHI) Scheme, which may unintentionally jeopardise the integrity of the present public system in this regard, due to an emphasis on the development of private health services at the direct expense of a public system which is clearly a solid basis upon which to develop a comprehensive and accessible national reproductive health system. In 2001, PAHO evaluated prenatal centres using the standardised evaluation framework for pregnant women developed by the Latin American Perinatal Centre (CLAP). That evaluation concluded that services to pregnant women was being very adequately implemented within the public health centres across the country. Nevertheless, pregnancy complications (including abortions) is the leading cause of hospitalisation among 10-19 year old females.

195. MoH has recently introduced standardised reporting on pap smear testing within the public and private health centres. Material on cervical cancer screening was also recently prepared for both health workers and the public. Training of public and rural health nurses was undertaken in 2000. The MCH Unit, in conjunction with BFLA, is currently increasing the provision of pap smear screening from 30-

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<sup>29</sup> Jagdeo, Tirbani P (1993), Girl Talk: Perspectives on Adolescent Pregnancy Among Young Women in Belize, BFLA, p. 36

40 per month to 400 per month. Substantial progress has already been made in reaching this target, which was set in April 2001.

196. Apart from the MCH Unit, BFLA performs a central role in the reproductive health area. This NGO works in family life education and family planning services, and now has offices in all districts of Belize, except Corozal, which is serviced from Orange Walk District. With the exception of its Stann Creek office, BFLA is located within government health facilities. An effective but informal system of referrals exists between the Primary Health Care (PHC) Units and BFLA, and its outreach to rural areas is coordinated with government's PHC program.

197. BFLA opened a Teen Centre in Belize City in 1997, and focusses its efforts on males and females of child-bearing age, especially adolescents. It makes condoms freely available, although it reports that most young people who come to it are already pregnant females. An increasing number of schools invite BFLA to address their students. It presently proposes to add testing for HIV and other sexually transmitted diseases to its services.

198. In summary, the success of education and public awareness efforts over the past decade, combined with improved access to public health services and to chosen reproductive health practice, are evident in the related statistical indicators. It is clearly important to maintain such effort, whilst the sustainability of such progress is ascertained.

#### HIV/AIDS

199. The Initial Report described Belize as suffering HIV and AIDS in "epidemic proportions", with an AIDS incidence rate of 13.5 per 100,000 people just seven years after the first known case. According to the National AIDS Commission – established in 1999 by the Minister for Human Development, with a specifically multidisciplinary approach – Belize has the highest per capita incidence in Central America, with 1700 confirmed cases and approximately 17,000 people infected (7% of the total population). During 2001, 72 persons were diagnosed with AIDS and 310 tested HIV positive. A 1999 draft situational analysis of HIV/AIDS in Belize, which examined cumulative data for 1986-1996, states that the main mode of transmission (93%) is sexual contact (71% heterosexual, 15% bisexual, 7% homosexual), and approximately 6% of cases resulted from perinatal transmission and 2% from blood transfusion. (There is negligible intravenous drug usage in Belize.)

200. HIV/AIDS is increasing at a faster rate for women than for men, and the rate of perinatal transmission is expected to increase in the near future. Between 1985 and 1994, there were two cases attributed to perinatal transmission (and three to blood transfusion). Up until 1998, a total of six children under the age of one year had been diagnosed with HIV, a further four were diagnosed in 1999, and another 11 in 2000. Seven children aged one to nine years of age had been diagnosed with HIV until 1998, a further one was diagnosed in 1999, and another three in 2000. It is estimated that more than 350 children have lost their mother or both parents to AIDS while they were still under the age of 15 years.

201. Factors contributing to the rise in HIV/AIDS cases are attributed to promiscuous behaviour by both sexes, but particularly men, lack of knowledge of the ways in which HIV is transmitted, failure to take preventative action (even among persons who recognise that they are at risk), initiation of sexual activity at an early age, and cultural practices which put women at risk. As for women's greater



vulnerability, the male:female HIV ratio was 1:9 in 1996, 1:6 in 1998 and 1:2 in 2000. The associated risks to infants and children correspondingly increases.

202. HIV testing is a voluntary part of prenatal testing. The situation for women in Belize City is graphically illustrated by the fact that, of 600 women tested at Cleopatra White Health Centre in 1994, 0.8% tested HIV positive, of 500 women tested at Matron Roberts Health Centre in 1996, 2.5% tested positive, and of 500 women tested at Port Loyola Health Centre in 1998, 4.8% tested positive. The growth rates for women (including pregnant women) are of very grave concern. In 2001, the Women's Department initiated workshops in rural areas on women and HIV, especially directed towards young women. As one example, 12 villages have been covered in Corozal District with an average of 20 participants.

203. Mother to child HIV transmission occurs at a rate of 25-35% without intervention. The MCH Unit introduced the Mother to Child Prevention of HIV Transmission program in December 2000. This aims to reduce HIV transmission via antiretrovirals (stocks of which GOB has acquired) and promotion of alternative feeding methods. Of particular concern is that an increasing percentage of HIV-positive mothers are single mothers, and this compounds the nature of the problem and its effective treatment. A further concern is of what to do with children once they have passed the 0-10 month mark, as ongoing screening is necessary given that the child has a 30% chance of a subsequent positive infection status.

204. The National AIDS Task Force has formulated a National Strategic Plan for the HIV/AIDS Epidemic in Belize 1999-2003, and the five priority areas are attitudes and practices, intersectoral coordination, services, budget, and monitoring and evaluation. MoH, in conjunction with PAHO, adopted a national protocol on HIV/AIDS in June 2001. In December 2001, legislation was passed which criminalises its reckless transmission, providing up to five years imprisonment on summary conviction and up to 10 years imprisonment for conviction on indictment (Criminal Code Act, new S. 46:01 (2)).

#### Water and Environmental Sanitation

205. National coverage of safe water was 91% by 1999, up from 71% in 1990. The most progress was achieved in the rural areas where access to safe water increased from 51% to 82% in that period; for urban areas 100% coverage was achieved, up from the 1990 rate of 95%. A distinction is made between 'safe' and 'clean' water: 'safe' referring to water that is chemically treated, 'clean' simply referring to water that is not contaminated. In Belize, studies which refer to safe water, in fact are referring to clean water within rural areas.

206. The Water and Sanitation Authority – Belize Water Services, since the authority's privatisation in 2000/01 – is mandated to perform water supply functions within declared water supply areas. All urban areas are designated water supply areas and are being provided with continuing service and water quality that meets PAHO/WHO recommendations. However, the 100% urban coverage needs to be qualified in view of some households, especially on urban outskirts, remaining unconnected to the water mains and not having water piped to their homes, or even their yards.

207. MoH is mandated by law to monitor water quality and does so through the Public Health Bureau (PHB), albeit only to a limited extent and concentrated in rural areas. By 1999 there were approximately 670 functional water pumps in rural Belize, down from 711 in 1992. That decrease was

mainly due to the disconnection of water pumps in the Stann Creek District, to facilitate the construction of the Hummingbird Highway. The continued reduction in hand water pumps mainly reflects the construction of rudimentary water supply systems, although a number of hand pumps are maintained in the event of emergency situations, such as hurricanes. While approximately 37% of water pumps were tested by the PHB in 1992 (with less than 20% testing positive for fecal coliform), only 6% were tested in 1999 (with about 50% testing positive).

208. The decrease in water quality monitoring and associated increase in fecal coliform was largely due to the 1995 closure of the Rural Water Supply and Sanitation Program, and the onset of rust and deterioration of equipment. That Program was reestablished in April 1999 within the new Ministry of Rural Development, along with the initiation of associated projects through the SIF and the BNTF. Testing is now essentially carried out by that Program at installation, and it has instituted a rapid response to treat water pumps testing positive.

209. Basic sanitation coverage remains unacceptable, even though the applicable goal was met. Whilst urban coverage increased from 59% to 71% between 1990 and 1999, rural coverage increased from 21% to just 25%, yielding a national level in 1999 of 45%. It is unlikely that sanitation coverage has improved since 1999, with the greater emphasis on improvements to the water supply system since that time. Data indicate that rural Stann Creek and Cayo Districts have the lowest coverage at 19% and 14% respectively. Caution must also be used with the data since there may be some limitations to the proper distinction between 'sanitary' and 'unsanitary' latrines and septic tanks.

210. There is a strong link between lack of access to adequate water and sanitation, and intestinal diseases including cholera. Although Belize suffers from periodic outbreaks of cholera, there is a diminishing number of cases each time. An estimated 159 cases of cholera were recorded in 1992, while only 12 cases were recorded in 1999; there were no cholera cases in 2000 or 2001. The most cases annually have always been recorded either in the Cayo or Toledo Districts.

211. Of course, Belize is heavily impacted by Central American migration patterns, especially within rural areas and urban fringe areas. The Population Census 2000 notes that immigration to Belize was more pronounced in the 1990s than in the 1980s when Belize experienced such an influx from neighbouring countries suffering civil wars and internal strife. It estimates that, under current trends, Belize's population will double within 26 years. This obviously places substantial pressure on more than just water and sanitation services, but it is particularly problematic in this regard given that such movements of population are often temporary or unpredictable and constitute a challenge to the planning and construction of infrastructure for essential services.

#### C. Social security and child care services and facilities

##### Article 18 (3)

States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 26

- (1) States Parties shall recognize for every child the right to be benefit from social security, including social insurance and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.
- (2) The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

212. The situation is generally as described in the Initial Report. In Belize District there are 15 day-care centres serving about 147 children, including two Government-managed centres. The national situation is presently unknown, as all organised day-care centres are in Belize District, plus two centres in Stann Creek District, with an unknown number of informal centres outside of Belize District. FSD is responsible for the training and development of a national licensing process for all day care providers, but implementation had not been possible due to financial and human resource constraints. Day-care facilities have continued to operate without systematic oversighting and monitoring.<sup>30</sup>

213. As earlier noted, an Inspector for Social Service Agencies has now been appointed and has commenced attending to such matters. The Inspector's roles are to develop minimum standards for the operation of social services agencies, develop licensing procedures, monitor and evaluate those agencies, train agency personnel, and network with relevant organisations concerning agency standards. With no specific support staff, it has been necessary for the

214. Inspector to set priorities, which are presently child day-care centres and residential children's homes.

215. In 1997, the NCFC produced manuals for the establishment and operation of child day-care centres. Some NGOs – notably the YWCA – have also been active in this area in more recent years. For example, during 2001, the YWCA conducted a short (three week) training program for Day and Night Care Providers, with 13 women being certified upon graduation (this especially focusses on the provision of baby-sitting services), and conducted a seven month Day Care Providers training program, with 16 graduates being certified (four trainees withdrew, two due to transportation problems from a remote area), and conducted a seven week training course for Managers of Day Care Centres, with 18 graduates. The YWCA is now establishing a registry of trained and licensed Day Care Operators. In 2001, it also produced two manuals: a 'Training Curriculum for Child Care Providers' and a 'Training Curriculum for Managers of Child Care Centres'.

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<sup>30</sup> A day-care centre is defined as a place which caters to at least five children. This does not include private babysitting or similar arrangements for fewer children, which are prevalent throughout the country.

216. Nevertheless, there remains insufficient capacity within day care centres for working parents, and that many female single parents in particular would be more readily able to enter the workforce if access and affordability were improved. However, much progress has been made to strengthen the quality of facilities, the quality of management of centres, and the professionalism of workers within them

217. For children aged 3-5 years, MoE's Preschool Unit plays a strong oversighting and monitoring role. The Unit is responsible for developing the preschool curriculum and offers annual training for managers of the preschools and teachers. The Ministry provides some grant funds to some preschools, leaving most of the funding for teacher salaries, teaching aids and infrastructure to the school and its community. Only 0.5% of 2001/02 recurrent education expenditure was allocated to preschool education. This primarily reflects the fact that MoE has a specific mandate for the resourcing of compulsory education, which is for the 5-14 year age group, and that the pre-school education sector is largely developing as a for-private-profit sector.

218. In 2001, there were 99 preschools, of which 35 were private, 38 were community- or organisation-based, and 26 were denominational, with 59 in urban areas and 40 in rural areas. In 2000, there were 98 preschools, compared to 81 in 1991. There were 3542 children enrolled in 2001, a small decline on both 1999 and 2000 but a 25% increase since 1991, and an increase in preschool coverage from 23.9% to 28.7% in 1999, which had slipped back to 26.8% in 2001: still very low coverage. Belize City is the location of 30% of preschools (4% are in Toledo District). Enrolment is evenly divided by gender.

219. The Preschool Unit tries to offset the lack of teacher training by providing some in-service training. In 1999, MoE developed a national curriculum in early development, and this is being piloted in 2002 in the Belize and Corozal Districts (for maximum coverage). In 2001, 20 teachers were provided preschool teacher training. In 2000, 20% of preschool teachers had no better than a primary education, and 71% had completed some or all of the four years of secondary school. A total of 66% of 2000/01 preschool teachers had completed pre-service training. For preschool coverage to increase significantly, MoE would need to expand its definition of basic education to include preschool level and undertake a stronger role in financing its development and operation.

220. The major reform in the social security area has been amendments in 2001 to the Social Security Act to enable introduction of the NHI Scheme. This is "a financing and purchasing mechanism for ensuring affordable and acceptable health care services to all NHI beneficiaries" (new S. 70 (1)), and is being piloted in the southside area of Belize City and in southern villages. All Belizean nationals and Belizean residents are eligible to benefit from the Scheme, and all employees, employers, self-employed and pensioned retirees may be required to pay contributions. GOB will meet the levies for eligible contributors who are indigent (no visible means of income, or income below family subsistence levels, or retirees on low pensions) (S. 71). The NHI Scheme provides such health care services as primary health care, hospital out- and in-patient services, diagnostic and other medical examination services, prescription drugs, and other approved services. These latter services include the provision of spectacles to the visually impaired (via BCVI) and the provision of reproductive health and contraceptive services (including via BFLA). These NGOs will – with increased burden of administrative compliance – derive benefits to their financial sustainability on a fee-for-service basis.

221. As earlier noted, there is a risk that this government-induced expansion of private health sector based services at a time when public agencies, notably the MCH Unit, have achieved a high quality and extensive geographic coverage, may weaken that comprehensive service. On the other hand, as the MCH Unit is a party to the NHI Scheme, there is also an opportunity for such an agency to adopt a stronger role in developing and implementing monitoring standards and service protocols, across the wider public, private and non-profit health service network. The adoption of such standards and protocols will require consistent political support in the face of likely private sector claims of undue public interference and regulation.<sup>31</sup> At the same time, there is an imperative to ensure the intended 'safety net' role of the Scheme, as the move from a free universal scheme to the NHI-based scheme means that health services will be fee-paying and may result in unintended instances of people on low incomes falling through that net: this is an important element of the current pilot scheme.

222. As has been noted earlier, improvements have been made in the Families and Children Act and the Belize Family Court concerning child maintenance provisions, which are viewed as being the first priority in ensuring the financial security of the child prior to the formal social security system serving as a safety net in this regard. Despite those improvements, there remains a problem with enforcement, and it has been suggested that an important starting point in addressing this, is changing attitudes of Police officers, putting in place reciprocal maintenance agreements with the USA, and establishing implementation protocols to give effect to existing agreements with other Commonwealth states.

#### D. Standard of living

##### Article 27

- (1) States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
- (2) The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
- (3) States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

223. Reference has earlier been made to the provisions of the Families and Children Act in establishing a legislative basis to the right of the child to an adequate standard of living. Particular reference should be made to Chapter III, Section B, and Chapter V, Section B.

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<sup>31</sup> A comparison with the role of non-public providers of education services is valuable, to the extent that government has been either unwilling or unable over many years to ensure universal compliance with such policies and standards as the treatment of pregnant students, enrolment practice between different denominational students, corporal punishment practices, etc.

224. In November 1999, through the SHAPES program, 15 primary schools in the Stann Creek and Toledo Districts introduced feeding programs that were linked to the school curriculum. A total of 760 children benefitted on a daily basis, although difficulties were experienced with food procurement and storage, high turnover of food preparation staff, and lack of supervisory SHAPES personnel to ensure food quality and quantity. In September 2000, the program was expanded to include 27 new schools and extend support to ten existing programs. A further 82 primary schools with feeding programs receive some training assistance from SHAPES.

225. The high number of students living in low income households is an indicator of the value of school-based feeding and nutrition programs. A 1999 survey of 15% of government and government-assisted primary schools concluded that 59% of students' parents are in the under-\$5000 per annum income bracket. A survey of 18% of urban and 25% of rural primary schools and 54% of urban and 82% of rural secondary schools – focussing on disadvantaged households – concluded that 69% of the parents interviewed earned less than \$2000 per annum.<sup>32</sup>

226. In February 2001, GOB launched a Food and Nutrition Security Policy for Belize, which recognised that certain segments of the population – rural populations, the elderly, the disabled, single income households and female headed households – are at risk of food insecurity due to lack of purchasing power. The policy calls for, among other things, a Food and Nutrition Commission supported by a Secretariat, and its objectives include to “ensure adequate intake of macro and micro-nutrients combined with adequate health care, especially women and children throughout the country”. GOB's commitment to this policy is yet to be matched with the resources to give it full effect. The MCH Unit sought assistance from PAHO in 2000 for the development and implementation of a national food and security policy, but this was deferred due to competing priorities in the wake of Hurricanes Keith (2000) and Iris (2001).

227. The Population Census 2000 shows that household size is declining (households of five or more persons constituted 44% of households in 2000, down from over 50% in 1991; urban areas down from 45% to 38%, and rural areas remaining high: down from 56% to 50%). Overcrowded homes continue to be a problem, with the number of houses with less than three bedrooms declining from 63% to 60% in that period. Since 1999, GOB – through its Ministry of Housing – has embarked upon an ambitious program to construct 10,000 low-cost houses over a five year period, with the aim of making them available to low-income households via affordable loans through Belize's Development Finance Corporation.

228. A Poverty Assessment Study due to be commenced in late 2001 had to be postponed due to the impact of Hurricane Iris within the southern districts. It was completed in 2002, and the report is now expected in early 2003. Finally, as mentioned in the previous sub-section, the adoption of the NHI Scheme is expected to ensure improvements in the health standards of living of the entire population – including by enabling expanded preventative services in the primary health care area – but is still in its pilot stage.

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<sup>32</sup> Gillett, Ellajean (1999), School Effectiveness Report: A Study of Primary Schools in Belize, Ministry of Education & Sports; Gillett, Ellajean (2000), *op cit*.

## VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

### A. Education, including vocational training and guidance

#### Article 28

- 1) States Parties recognize the right of the child to education and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
  - (a) Make primary education compulsory and available free to all;
  - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
  - (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
  - (d) Make educational and vocational information and guidance available and accessible to all children;
  - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
- 2) States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
- 3) States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

229. A fairly comprehensive description of the Belize education system was provided in the Initial Report. School tuition within Belize is free, virtually up until the end of secondary school. Education is compulsory for those aged five to fourteen years, although enforcement of attendance and classroom capacity continues to be a problem. It is the parent's responsibility to ensure the child's attendance, and the Chief Education Officer's responsibility to ensure that parents comply (Education Act, Ss. 35 & 36).

230. Education in Belize continues to be in English, and there is no program of bilingual education. Children are taught, as a part of their social studies curriculum, about the different cultures that co-exist in Belize. Primary school children are supposed to be taught Spanish as a subject throughout primary school, and teaching of Spanish continues as an elective subject in the secondary school. English is considered to be the medium of instruction, but MoE actively encourages primary school teachers to be cognisant of the need to communicate with the child in their first language as they strive to be English-proficient. Even so, it is reported that there is a growing number of children being

detected at 14-15 years of age with no English proficiency, such that this is placing increasing pressure on some NGOs working in the area and schools for special remedial measures.<sup>33</sup>

231. Belize's literacy level remains disturbingly low. The CSO has adopted the convention of many countries to equate literacy with those people who have completed Standard V or above (or equivalent) as being literate. On that basis, the Population Census 2000 places Belize's literacy rate in the low 70s. The CSO had similarly estimated the literacy rate at 70% in 1991 and 75% in 1996. It felt that migration patterns, rather than literacy programs or improvements in primary education, directly affect these rates, and significant differences have been observed according to ethnicity, geographical distribution and country of birth. In the earlier studies, Belize District had the highest rate at 92% and Toledo the lowest at 59%; Creoles had the highest rate at 91%, and the Maya the lowest at 48%.

232. MoE similarly acknowledges that literacy rates are unacceptably low, but cites the inherent difficulties in an ethnically diverse nation like Belize, where literacy is defined in terms of English proficiency. Even so, the convention adopted by CSO estimates literacy regardless of language spoken, and could still be regarded as overstated with consideration to competent literacy and comprehension. A 1996 study by the Belize Literacy Council and CSO estimated the functional adult literacy rate at 42.5%, based on a reading and comprehension survey administered to a sample population of adults<sup>34</sup>. The CSO is to conduct further analysis of the 2000 Census results in this regard.

233. Current issues emphasised by various agencies working with children and families are that:

- the policy of 'free' education is unaffordable to too many families, given the range of costs imposed upon students for books, uniforms, excursions, classroom materials, administration fees, and so forth – this problem appears to be deepening;
- there is a strong need for extra effort to address the incidence of primary school children who are engaged in commercial activities, domestic work or agricultural labour during school hours – frequently not so much for their own financial benefit, but at the behest of their parents or another adult for no remuneration (for example, to supplement or otherwise assist household income);
- there is a parallel problem within some communities – primarily Mennonite and Mestizo – for children to attend school clearly exhausted from domestic work and agricultural labour out of school hours;

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<sup>33</sup> This is likely to reflect the rate of continuing movement across Belize's border of Spanish-speaking families, rather than an inherent failing in the school system.

<sup>34</sup> Literacy Council of Belize & Central Statistical Office (1997), 1996 National Literacy Survey



- a practice persists, especially within Mayan communities, of withdrawing girls from formal education once they leave ‘childhood’ with the onset of puberty;
- increasingly frequent anecdotal evidence from various children’s agencies of girls submitting to sexual abuse or carnal knowledge to derive financial or material benefits in order to maintain themselves in the education system; and
- reports that students may be denied the sitting of qualifying examinations or assessment if they have not fully paid outstanding fees.

234. With respect to the question of education fees, it is noted that, in primary schools, tuition is free and some fees are allowed, but must be approved by the Minister. The main problem is within the secondary schools, where – since 1996 – GOB pays for the tuition costs for the four years, but individual schools have adopted a seemingly growing range of fees for students. There has also been concern expressed that this exacerbates inequities within the education system.

235. “The unplanned development of cost-reimbursement to secondary schools has allowed a grossly inequitable system to develop in which the more affluent schools receive a disproportionate share of the budget. Currently, schools in higher socio-economic areas, mostly in cities, set higher tuition fees than those in less affluent areas. ... To date government’s agreement to pay those fees without questioning the different amounts set ... [serves to sustain] the gap between advantaged and disadvantaged schools.”<sup>35</sup>

236. Prior to 1996, GOB controlled tuition fees. MoE is sufficiently concerned about the increasing levying of fees on students across secondary school that it has initiated an internal review of the practice to enable a reform of policy in this regard. The problem is mainly understood to be that of a disparity between schools based on the different quality of inputs (such as qualification of teachers, standard of materials and equipment provided, student:teacher ratios), which in turn influences the fee level.

237. Socio-economic inequities continue to be a concern. A recent survey of primary schools (18% of urban and 25% of rural) and secondary schools (54% of urban and 82% of rural), primarily selected on perceived socio-economic grounds, found that:

- the highest dropout rates are between Standard III and Form II (grades 5-10);
- 69% of parents interviewed (a skewed cohort representative of significant school community populations) earn less than \$2000 per annum;
- the average annual cost to parents of education is \$1000 per child; and

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<sup>35</sup> Surridge, Mary & Vernon, Dylan (1999), Belize Education Sector Strategy Social Assessment (Draft), p 17.

- there are many out-of-school children who would like the opportunity to return.<sup>36</sup>

238. That survey also found that GOB spends approximately \$0.5 million per annum in educating children who do not live in Belize or who are not permanent residents of Belize. At the same time, it is noted that in the school year 1999-2000, primary and secondary school grade repeat rates cost GOB a total of \$5.7 million.

239. In a major effort to address continuing structural weaknesses in the education system and to improve student performance, a ten-year Education Sector Strategy was approved by GOB in 1999 with an overall objective of achieving universal educational access between the ages of 3-16 years, by addressing the key constraints while mitigating fiscal restraints, particularly through the revision of the school financing mechanism and increased cost-recovery. The Strategy is couched within the context of the UN Educational, Scientific and Cultural Organisation (UNESCO) Education for All framework, and includes performance reporting and monitoring against the associated Dakar Goals.

240. GOB has also been introducing the Schools-wide Area Network, which aims to establish computer laboratories in all schools by the end of 2003, with intranet access between all primary and secondary schools, and internet access, plus the current creation of a national website to make mathematics and science curriculum material available to all students.

#### Primary Schooling

241. Primary education received 58% of MoE recurrent education expenditure in 2001/02, compared to 64% in 1991, although more than 92% of that expenditure goes toward salaries for teacher and education personnel, leaving little for materials, equipment, in-service training and regular supervision of schools. GOB allocates approximately \$829 per annum per primary school student. In 2001/02 there were 234 government and government-assisted primary schools, of which 50 were government, 167 denominational and 17 others, and with 74% located in the rural areas.

242. Between 1991 and 1999, the overall primary school participation rate fell from 90% to 81%, with Belize District at 73% and Stann Creek and Cayo Districts being the highest at 87%. The enrolment in primary schools of school age boys and girls was fairly even. The primary school repetition rate was 8.3% for 2000/01, down from 10.3% for the 1997/98 school year and the rate of 9.2% for 1993/94 when the indicator was first measured. The rate remains highest for Infant I (15% 00-01, 13% 93-94, 12% 97-98), and Orange Walk District had the highest overall rate (12.1%) and Belize District the lowest (6.3%). A high proportion of the grade repetition rate can be attributed to the practice of church-run primary schools having unregulated beginners' classes against stated education policy. Specifically, 21% of 'automatic fails' were of 5 year olds in these classes. The total dropout rate is estimated to be 0.7%. When the repetition and dropout rates are compared to the

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<sup>36</sup> Gillett (2000), *op cit.*

completion rates, it is clear that there is under-reporting of the dropout incidence.<sup>37</sup> Dropout rates are highest in Toledo (1.4%) and lowest in Belize District (0.2%).

243. The percentage of fully trained primary school teachers was 56% in 2001 (up from 47% in 1991), with 67% in urban areas and 46% in rural areas. The pupil:teacher ratio remained constant over the decade, and in 2000 was 1:27 in urban areas and 1:23 in rural areas. It is emphasised, however, that multi-grade teaching occurs in rural areas, where there are fewer trained teachers, so that the quality of rural teaching may be compromised even though the teacher:pupil ratio shows no significant advantage to urban areas.

244. A 1999 study of a sample of 40 schools (15% of government and government-assisted primary schools in Belize) found that:

- 77.5% of principals are “relatively inexperienced”;
- 95.0% of schools have had 1-5 teachers leave during the year of the study (1997/98);
- 23.1% of students’ parents have no formal education, and a further 44.6% have only a primary education;
- 58.8% of student’ parents are in the \$0-5000 per annum bracket;
- there is a high absenteeism rate in lower and upper divisions, and high rates of lateness in the upper division; and
- there continues to be inadequate classroom space and seating.<sup>38</sup>

245. It is apparent that, despite strengthened budget provision, an expansion of school capacity and access, and extra teacher training effort, student primary school participation and retention remain unsatisfactory. MoE has taken several initiatives in recent years to try to address such issues, including the establishment of SHAPES, the introduction of the Textbook Loan Program, and the transformation of truancy services into the School-Community Liaison Officers service.

246. SHAPES was set up in 1999, and is currently undergoing evaluation. It has facilitated the incorporation of a health curriculum into all primary schools and developed and oversighted the

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<sup>37</sup> Reporting problems are acknowledged. It is possible that a student may be thought to have dropped out of school, but to have transferred to another school. As this would infer that drop-out rates could be over- rather than under-stated, it is clear that improved recording and monitoring of absenteeism is required. A 2001 survey of about 1000 primary school students by HRCB estimated absenteeism at greater than 8%, with 55% of that absenteeism due to the child working, and the majority of the remainder due to engaging in leisure activities.

<sup>38</sup> Gillett (1999), *op cit*.

provision of school food and nutrition programs in many schools (especially where there is greatest need). The School-Community Liaison Officers commenced in 2000, and are field-based staff who address problems in non-attendance, including investigating more persistent instances. They emphasise community-based responses to poor attendance as a more sustainable approach to overcoming it. Some NGOs – such as the YMCA – have also participated in these efforts. The YMCA has catered to about 50 young people over the three years to 2001, although numbers being assisted have been declining, reportedly due to difficulties between it and MoE on the level of tuition fee reimbursement. In addition, there are now school wardens placed in all schools (primary and secondary) in Belize City, and in some schools in Cayo and Stann Creek Districts. This was in response to widespread community concern about the safety of young females in the wake of the disappearances and murders of a number of pre-teenage girls in 1998 and 1999.

247. The Textbook Loan Program provides households with the option of seeking the placement of textbooks which the student's family may not otherwise afford into a school and loaned to that student for the relevant academic year. Application may either be made via the local political constituency's representative or via the school principal, who refers the application on to the District Education Office.

248. Finally, it is estimated that more than 1000 early school leavers have returned to school in the two years to 2001, primarily in Belize District. Unfortunately, the level of support promised to schools in this regard has not yet been adequate, and this may serve to jeopardise further rates of return. As noted elsewhere in this report, several NGOs also make an important contribution in this regard, especially in catering to the return to school of girls – including young mothers – or in providing bridging or refresher courses to enable such return. In the context of persistent high rates of school withdrawal, it is considered that such efforts warrant more adequate resource commitments.

### Secondary Schooling

249. Secondary education received 26% of recurrent education expenditure in 2001/02, representing an annual cost to GOB per student of \$1752 (twice the rate for primary students and a 22% increase on the 1998/99 rate). Just 36% of Belize's 36 secondary schools are government schools, 55% are government-aided or –assisted, and 9% are private (2001/02 data). Those schools are mainly in urban areas (75%) and cater to 13,143 students (52% female), although boys make up 52% of enrolments in government schools. Of students in Form IV (final year), 44% of females, but only 34% of males, were aged 16 years or less.

250. The transition rate from primary to secondary schooling in 2001 is estimated at 87.4% (89.2% for boys, 85.6% for girls), compared to 87.0% in 2000 (83.6% for boys, 90.4% for girls) (the 1991 estimate was 76%, comprising 82% females and 70% males). As the rates for both boys and girls in Belize District exceed 100%, this suggests rural-to-urban drift which would also make the rates for other districts appear lower than they actually are. According to the Population Census 2000, 17.4% of the urban population, but only 7.4% of the rural population, have reached the secondary level of education (18.7% for Belize District, 6.4% for Toledo). The CSO notes that these figures may conceal a rural-to-urban drift for the more highly educated who follow job opportunities. This would be exacerbated by the immigration movement of less educated peoples into Belize's rural areas. Even so, the census data indicate the high rate of primary school withdrawal prior to completion.

251. For 2000 the secondary school repetition rate is estimated at 8.4% (ranging from 13.0% for boys in Corozal District, to 4.5% for girls in Cayo District), and the dropout rate is estimated at 9.7% (ranging from 18.8% for boys in Toledo District, to 7.1% for girls in Stann Creek District; an increase in the 1999 rate of 8.0% which ranged from 16.0% for boys in Corozal District to 2.8% for girls in Stann Creek District).

A 1999 study noted that:

“ Only 34% of secondary school age children are in secondary school. A small number of others are in one of the few technical schools or short-term training programmes. Only a few get the limited jobs (unemployment of those under 24 (65% of the population) is 25%) available and can perform well at them. The majority ends up doing nothing or contributes to growing social problems such as crime, drug use, and teen-age pregnancy.”<sup>39</sup>

252. For 2001, whilst only 19% of teachers are graduate trained (down from 32% in 2000), another 36% are graduates (up from 25% in 2000) and a further 9% possess professional teacher training (7% in 2000). The remaining 35% have been educated to high school or sixth form, constituting 47% of teachers in government schools, 37% of teachers in community schools, and 25% of teachers in denominational schools. The teacher:pupil ratio in 2001/02 is 1:15 (1:17 for government schools, 1:16 for rural schools).

Another 1999 study, covering all 29 secondary schools in Belize, found that:

- GOB contributed 86.2% to schools' annual budgets in the study year (1997/98);
- student performance and achievement is generally low in relation to financial input;
- the annual average cost of secondary school education is \$1820 per student;
- a total of 43.7% of teachers are untrained;
- schools with the highest percentage of trained teachers have the lowest level of student achievement in tests; and
- neither teacher training nor building facilities seem to adversely affect student achievement.<sup>40</sup>

253. Despite improvements in capacity and access, and in the training levels of school staff, it is clear that there is major room for improvement within the secondary school system in Belize.

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<sup>39</sup> Surridge & Vernon (1999), *op cit*, p 21.

<sup>40</sup> Gillett, Ellajean & Ijo, Joseph (1999), School Effectiveness Report: A Study of Secondary Schools in Belize, Ministry of Education & Sports.

Vocational and Technical Education

254. The Centres for Employment Training have expanded in recent years to the various districts and now are located in all districts except Orange Walk and Stann Creek, which it is intended will also have such Centres by August 2003. Training areas include the various building trades, hospitality management, automotive trades, and computer maintenance and repair. Efforts are being taken to boost female participation in non-traditional trade areas, although this is hindered by lack of support services such as childcare and financial constraints on the women.

255. Other agencies providing services in this regard are the National 4H and Youth Development Training Centre (although intake levels have been reduced by the decision to amalgamate the two previous centres, and young women can no longer be accommodated as residential students), the Youth Enhancement Service (YES) (which specifically caters to girls who are early school leavers or otherwise 'at risk', and actively promotes their study of non-traditional trades), the YWCA (likewise) and YMCA. The certification obtained by participation in these agencies is not as widely recognised and accepted as in the Centres for Employment Training, but their value is primarily in fostering a return to education by many (especially young females) who have in some way been failed by the formal education system.

B. Aims of education

Article 29

- 1) States Parties agree that the education of the child shall be directed to:
  - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
  - (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
  - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
  - (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
  - (e) the development of respect for the natural environment.
- 2) No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

256. Practice remains broadly as stated in the Initial Report, with respect to the development of awareness to Belize's cultural and ethnic diversity, religious education, and environmental awareness within school curriculum.

257. An inherent difficulty is the tension between the liberty of institutions and individuals in educational content and practice and the MoE in exercising its overarching responsibilities and in ensuring due compliance with principles and national policies. This has earlier been commented on with respect to the policy and practice of corporal punishment. The strength of private and church-based schools in Belize – regardless of the level of financial assistance which GOB provides them – means that they limit the capacity of MoE to adequately enforce or implement such principles and policies. The close interrelationship between state and church in educational provision raises occasional tensions, for example, in the school-based treatment of pregnant students. There is concern that many schools continue to expel such students with impunity, without equal treatment of the other party (if a male student) – or, more appropriately, without the pregnant student being treated equally with her male student counterpart. In a different vein, it is noted that a teacher was dismissed in late 2001 for involving his classroom in an open debate on a currently highly controversial environmental issue about which Government has already made a firm decision.

258. With respect to teenaged mothers, some heavily under-resourced NGOs (notably the YWCA and YES) are endeavouring to cater to the educational needs of such students. YES, for example, encourages enrolment in its training centre of teenage mothers as well as early school-leaver girls, and has an annual intake to its two-year program of around 40 girls. YES also operates a Centre for Teenage Mothers in Belize City, adjacent to MoH's Cleopatra White Health Clinic, from where it provides information on sexual and reproductive health. YES's training centre focusses on teaching remedial education, personal development and self-esteem, and non-traditional vocational skills, and has been successful in the proportion of its graduates proceeding to further schooling, employment or vocational training. The YWCA also caters to high rates of socially disadvantaged young people (especially females), and reports that – of a survey in 2000/01 of past students – 81% went on to secondary school, of which 50% graduated, 25% had left due to failure or financial reasons or pregnancy, and 23% had proceeded to work or self-employment or active job-seeking or unemployment. Of early school-leaving females that it assists, 64% are from single-parent families, 15% are with a guardian or in an institution and just 21% come from a two-parent family. It is difficult to overestimate the social and economic value of such interventions to make the education and vocational training system more accessible.

259. Nevertheless, school-based practice with respect to teenage mothers and pregnant students remains of concern. MoE has no policy on the treatment of pregnant students, leaving this to the discretion of the Principal or the School Board. MoE reports that an increasing number of schools are taking a more lenient position in this regard. Common practice seems to be that if a student in Forms I-IV becomes pregnant, then she will likely be removed from the school either as soon as she is visibly pregnant or once the Principal becomes aware of the pregnancy, and that, if the student is in her final year, she would increasingly be permitted to remain at school – if possible – to complete her studies. The granting of discretion to schools and the absence of MoE policy is likely in large part due to the difficulty in MoE being able to secure the cooperation of non-public schools, despite the substantial level of funds which the Ministry allocates to private and church-based schools. MoE has moved to address these issues and, in August 2001, the Women's Department completed a study on educational

discrimination of pregnant students and of pregnant unmarried teachers. It and MoE are now developing an advocacy plan and standardised policies.

260. Sanctioning (through non-intervention) individual schools to expel pregnant students or to not readmitting and accommodating young student mothers, sits uncomfortably with the provisions of the Education Act that the education system “shall be sensitive to the particular needs of the female gender” (S. 25 (1)). Similarly, the requirement of the Education Rules that “the education system shall ensure equitable access to education at all levels for both genders” (S. 112 (1)) hardly applies if it permits individual schools to implement inequitable practices in the treatment of young mothers and young fathers. It is of even greater concern for girls of compulsory schooling age for whom a pregnancy may lead the school to deny them their legally-mandated obligation for school attendance.

261. Given that there is only one school in many rural areas, some young people can be further disadvantaged if the only accessible school is a denominational school which either coerces embrace of that faith, or else excludes students on the basis of faith if there is insufficient capacity. There is a current example of tension in a rural centre where students of one denomination are declining to participate in some school-based practices in the one local school which is Roman Catholic. Also, there are occasional reports of denominational schools citing lack of enrolment capacity in effectively excluding a child from a different denomination a place at the school.

262. Many teachers have continued to lack a specific awareness of the provisions of the Convention and of human rights. This has been tackled by MoE’s Curriculum Unit, through its Quality Assurance and Development Services (QUADS) initiative, in which approximately 750 primary school teachers received training in human rights and children’s rights during 2000/01. This was piloted in middle-division schools in 1999/2000. In 2000/01, it was introduced to all middle-level schools and piloted in 60 upper-division schools. In 2001/02, it was introduced to all upper-division schools. Teachers are duly accredited for their participation. Even so, it is noted that this is still far from representing a comprehensive coverage of primary school teachers.

263. HRCB has given specific attention to the human rights of children, with the establishment of a temporary post – staffed via the UK volunteer services organisation – of Children’s Rights Coordinator. This post has particularly focussed on the education sector. In 2000, it conducted workshops concerning school absenteeism and attendance, and has promoted ‘Classrooms of Kindness’ as a means of promoting enrolments within selected pilot schools (two in Orange Walk District, two in Cayo District and, since late 2001, two in Stann Creek District). HRCB has catered to other schools upon request. Three priorities emerged from the participating children: behaviour in schools, parental involvement, and human rights education (within the curriculum and in teacher-training). Late in 2001, a volunteer Children’s Rights Action Group was established to actively promote child-friendly schools and the associated right of the child to education. Training workshops were conducted for the volunteers, who are from each of the districts, and other agencies – such as YMCA, NCFE, MoE and NOPCA – facilitated training sessions. HRCB also produced and distributed nationwide an illustrated booklet on the Universal Declaration of Human Rights, in English and Spanish. The position of Children’s Rights Coordinator at HRCB ended in mid-2002.



## C. Leisure, recreation and cultural activities

## Article 31

- 1) States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
- 2) States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

264. Most effort is focussed through the education sector, especially primary schools. SHAPES, in collaboration with the National Sports Council, has incorporated physical education within the primary school curriculum. This has also been accompanied by increased efforts in teacher training in physical education.

265. A number of NGOs conduct a range of recreational leisure programs, especially during school vacation. For example, the YMCA conducts summer education and leisure programs, as well as Campus Y, a leadership building program operating at the district level. The House of Culture also conducts annual summer camps. In 2001, 120 children participated in a six-week summer camp designed and implemented by the Young Artists Association. An 11-week Garifuna Training Program was held in Belize City in early 2001, and such courses are now also offered in a couple of districts (Cayo and Stann Creek). The Belize Arts Council also conducts workshops for children and teachers in a wide cross-section of the arts, including dance, music, art and drama.

266. Despite efforts to improve the situation, it is acknowledged that there remains a general lack of recreational facilities, such as playgrounds, organised recreational programs and after-school leisure services.

## VIII. SPECIAL PROTECTION MEASURES

## A. Children in situations of emergency

## Article 22

- 1) States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.
- 2) For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as

any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

#### Article 38

- 1) States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.
- 2) States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.
- 3) States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.
- 4) In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

#### Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

267. Belize has never been involved in armed conflict at the local, regional or international levels. However, it has been the recipient of substantial numbers of refugees and displaced persons fleeing poverty and civil strife within the neighbouring Central American countries, during the 1980s and extending into the 1990s. A Refugee Department was established in 1984, and was downgraded to a Refugee Desk in 1998. An Amnesty Program was conducted in 1999 (see Chapter IV, Section B). This ensured that an estimated 27,000 children may have been provided with Belizean documentation, although there could be at least half that number again who remain undocumented.

268. Although open discrimination against such Central American immigrants is not sanctioned, they may experience difficulties in such ways as:

- language as a barrier to accessing health services, and perhaps as a factor in persistent low primary school education participation rates in areas with concentrations of regional immigrant families;
- being largely limited to employment as elementary workers, such as manual labourers in the citrus and banana industries and as domestic labourers in Belizean homes;

- their willingness to accept lower wages than Belizean workers for such elementary work, such that they may be subject to greater exploitation by employers seeking to lower their production costs and weaken occupational safety standards, with dependent children consequently living in even more vulnerable circumstances;
- their living conditions – including housing quality, water and sanitation – being worse than the average local conditions, particularly around the citrus and banana belts; and
- the reactions of Belizeans concerned about the shift in the cultural balance between Creoles and Mestizos<sup>41</sup>, the added pressure of new Mestizos on limited services, and their perceived ‘taking’ of local job opportunities.

269. The vast majority of former refugee and displaced households settle in the more remote rural areas, so that they are more likely to also suffer from poor access to essential services. This is not such an issue now with respect to maternal and child health care (provided, of course, that GOB maintains a strong comprehensive nationwide public health service), but remains a problem for many children in their schooling, and for household access to clean water and sanitation.

270. This places an enormous pressure on GOB’s scarce resources, and it needs to be noted that, whilst much of the international support to Belize which originated in the refugee influx of the 1980s was withdrawn during the 1990s due to the official end of such regional conflicts, Belize experienced a higher influx throughout the 1990s than it did during those most difficult years. The Population Census 2000 shows that Belize has had greater immigration after those conflicts than during them: immigration in the 1990s was 13% higher than it was in the 1980s. It is, however, acknowledged that the more recent immigrants are unlikely to have the range of psychological traumas and effects of conflict of the earlier immigrants. Nevertheless, the pressure on national infrastructure, services and social fabric is greater and unabated. Foreign-born persons now constitute 16% of the rural population of Belize. As noted earlier, whilst foreign development assistance – coinciding with that increased rate of immigration – has declined, the targeting of that foreign assistance to basic social services has not been strong.

271. With respect to the armed forces, the Defence Act provides that volunteers for enlistment must be at least 18 years (S. 16 (2)). Military conscription is at the Governor-General’s determination, and it is considered inconceivable that this would ever be set at an age below the age of voluntary enlistment. Nevertheless, there is merit in GOB reviewing whether this should be established within the provision of the Act.

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<sup>41</sup> The national censuses of 1980, 1991 and 2000 show that the population shares of Creoles and Mestizos were 40%, 30% and 25%, and 33%, 44% and 49%, respectively. The balance has more than reversed, due to lower Creole fertility rates, the continued influx of Mestizos, and Creole emigration rates (92% of Belizean emigration is to the USA, and more than 50% are in the 15-24 year age group).

B. Children involved with the system of administration of juvenile justice

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority and to a prompt decision on any such action.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

- 1) States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.
- 2) To this end and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:
  - (a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

- (b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:
- (i) To be presumed innocent until proven guilty according to law;
  - (ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;
  - (iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;
  - (iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;
  - (v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;
  - (vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;
  - (vii) To have his or her privacy fully respected at all stages of the proceedings.

3) States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

- (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
- (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4) A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

272. Belize currently has the highest percentage in Central America of its population incarcerated (490 per 100,000) and the second highest in the Caribbean after the Cayman Islands. The majority of inmates at the Hattieville Correctional Facility (the national prison) spend less than one year there, with almost a half of inmates sentenced for less than six months. Anecdotal evidence from key informants suggests a recidivism rate in the range of 70%, and the records show that 96% of inmates aged 18 years or less (and 93% of those aged 25 years or less) were first time offenders.

273. Theft, drugs (mostly marijuana possession) and illegal entry (border incursions) accounted for between 59%-77% of all incarcerations between 1993-98. Persons between the ages of 16-35 years represent the overwhelming majority of prisoners between 1996-98. There has been a fourfold increase in the number of juveniles currently serving time in prison over the past decade. Males between 21-25 years represented the most incarcerated cohort (22.7%), whilst females only comprised 6.5% of the total prison population (with under 18 year old females numbering in single digits<sup>42</sup>). At the same time, it needs to be noted that there is a lack of statistical evidence to support a widespread public and media perception that juvenile crime is on the increase, or that there has been an increase in illicit drug usage. There is, however, evidence of an increasing rate of imprisonment for such offences, mainly possession of small amounts of marijuana for personal use.<sup>43 44</sup>

274. It is a graphic reminder that imprisonment most impacts the poorer sections of the population to note that, for over 60% of those incarcerated, there was the option of paying a fine for their offence. Clearly, there are large numbers of juvenile males sentenced to a period of incarceration for minor first-time offences, and for which the capacity to pay a fine would have avoided such detention.

275. Even so, the Juvenile Offenders Act, Probation of Offenders Act 1944 and Criminal Justice (Community Service Orders) Regulations<sup>45</sup> make appropriate provisions for the administration of

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<sup>42</sup> Under 18 year old female inmates have better conditions than their male counterparts and are incarcerated for shorter periods, but are housed together with adult female prisoners.

<sup>43</sup> Fiona Hancock (2000), *op cit*, pp 9-11, drawing on the following reports for her observations: Shaun Finnetty (1999), *Criminality and Human Vulnerability: A Case Study of Citizen Security in Belize City and Belmopan* (Draft) and Louise Cantley (1999), Report on the Current Situation Regarding Treatment and Rehabilitation Services in Belize (NDACC).

<sup>44</sup> There are, however, serious concerns about increasing reports of violence within the community, which seem to be indiscriminate against citizens, rather than the previous gang-on-gang violence. Within the general population, there has certainly been a substantial increase in homicide rates, with 21 murders in Belize in two months since December 2001. In January 2002, GOB established a Task Force, chaired by the Prime Minister, to examine this problem and to propose responses to it.

<sup>45</sup> The Regulations were adopted in 1994 and implemented with an inadequate administrative system, poor staff training and insufficient public sensitisation. The associated community service orders consequently fell into disrepute and became barely used (orders were often not completed and sometimes inappropriately applied to serious offences).

juvenile justice which includes alternatives to detention, as described in the 278. 278. Initial Report (pp 72-74).<sup>46</sup> At that time, mention was made of efforts in 1995 to strengthen deinstitutionalisation of children (especially with the closure of Listowel Boys Training School) and to improve alternatives (especially with the diversion of budgetary savings into probation and counselling services).

276. However, the problem has remained one of inadequate implementation of those provisions. Notably, it is untenable to argue that incarceration of young and/or first-time offenders – especially for minor offences – is a last resort, or that there is adequate separation of children in detention from adult prisoners. Rather, there has been a lack of political and resource commitment to putting existing provisions into effect. This has been a difficult issue to address, due to entrenched cultures of practice within the judicial and law enforcement professions, the absence of appropriate alternatives for court consideration, and the continuing political failure to ensure suitable facilities and support.

277. There continue to be well-sourced reports that the police are interrogating juveniles without an adult present, and are routinely denying the juvenile's right to contact a parent. Nevertheless, there has been some effort within the Police Department to better support preventative and rehabilitative strategies. Zone Beat Liaison Officers have been employed, with two in each district and ten in Belize City. They promote community-based cooperation in policing, the oversighting of neighbourhood watch, and the visitation of police to schools (especially primary schools). The Police Youth Corps continues to operate, catering to 8-17 year olds, but mainly comprising primary school age males. It has 150 participants in Belize City, who undergo a program of training, drilling, lectures, voluntary work and trips. The First Offenders Scheme was established in 1991, and is a police-administered scheme which provides formal cautioning and diversionary conferences for alleged first-time offenders for lesser offences, when deemed likely to act as a means of minimising reoffending.

278. To some extent, the improvements in the Family Court have resulted in some associated improvements in the treatment of young offenders. That court is committed to making incarceration a last resort option and has ensured that its personnel are conscious of the UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules). During 2002, it developed a 'policy and procedures manual' (supported by UNICEF), which includes codes of practice drawing directly on the provisions of the CRC, and UN instruments such as the Beijing Rules, the Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), and the Rules for the Protection of Juveniles Deprived of their Liberty. The manual also emphasises a primary focus on alternative dispute resolution, and includes guidelines for case management for matters involving children.

279. The Family Court has noted the lack of alternatives available to it in sentencing young people, and that it is also dependent upon the quality of pre-sentence reports, which are often of variable quality and generally "lack analysis and objectivity, tend towards judgmental attitudes and do not

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<sup>46</sup> As alluded to in Chapter II concerning deprivation of liberty, there may be an unintended loophole in the *Juvenile Offenders Act* (Ss. 11 & 12) whereby the minimum age of imprisonment is 10 years, but there is a required preference for alternatives for 14-15 year olds, without mandating such a preference in the treatment of 10-13 year olds.

always assist magistrates in assessing the likelihood of further offending or the impact of certain dispositions”<sup>47</sup>. In its 2002 Action Plan, the Family Court is focussing on post-sentencing follow-up, due to a need to ensure that probationary options are more adequately implemented, and will be making regular visits to juvenile justice institutions.

280. As noted elsewhere, however, the Family Court only effectively exists in Belize City, so that juveniles charged with an offence in the other districts continue to come before other courts. There is certainly strong support amongst agencies involved in working with young people, children and families for the establishment of a Family Court in each district, especially given the progress which it has made in being family- and child-friendly in its administrative and judicial operations.

281. Whilst the CRC requires that “every child alleged as or accused of having infringed the penal law [shall...] have his or her privacy fully respected at all stages of the proceedings” (Article 40(2)(b)), the Families and Children Act only ensures this right once those proceedings have reached the court (S. 153 (2)). This means that a child detained or arrested for allegedly committing an offence may be identified in the media. Whilst the media generally extend such privacy to all stages with respect to children, some do not, and the Act needs to be amended to ensure full compliance with Article 40.

282. There continue to be reports of inadequate procedures and conditions in the magistrates courts and police holding cells throughout Belize. Coupled with the frequent absence of due legal advice to young people, this too often continues to mean that children brought before the courts are not represented, are unable to access legal advice, are held in inadequate conditions, and are incarcerated for minor offences. The latter seems to be as much to do with a magistrate’s decision to ‘teach a lesson’ to the child as with the absence of sentencing options (in the past year alone, children have been incarcerated for petty theft such as stealing a coconut or confectionary<sup>48</sup>). According to Hancock,

“ As there are few formal protocols or checks on the above procedures abuses can, and do, occur. The HRCB has received many reports on the mistreatment of juveniles in the criminal justice system, most involving police harassment, humiliation, intimidation and brutality. Abuses normally occur when the correct procedures are not followed, for instance, Police interview of children without a responsible adult present. There are reports of parents being refused permission to see their children in police custody, as well as documented evidence of violence committed by police officers in their questioning of juveniles. Most abuses appear to occur before the child has reached the point of Court proceedings, usually before they have even been charged, which perhaps prevents them from coming to the attention of others involved in the system. However, there are also concerns relating to insensitive treatment by professionals such as teachers and social workers.” (op cit, p. 20)

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<sup>47</sup> Fiona Hancock (2000), *op cit*, p. 21

<sup>48</sup> The juvenile sentenced for stealing a coconut reportedly received a five-year sentence.



283. Until recently, juvenile offenders were mainly housed at the Youth Enhancement Academy (YEA) which was located at a well-regarded facility in Ladyville, several miles away from the Hattieville prison facility<sup>49</sup>. Due to a decision to move the women's prison to that separate location, the YEA was relocated to be merged with the Boot Camp inside the prison complex, and the women's prison was moved back to the prison and the Ladyville complex closed. Rightly or wrongly, some people working with young offenders believe this was a planned and conscious decision to bring juveniles within the prison system for financial reasons. This view is strengthened by the failure to date to allocate sufficient resources to the construction of a separate juvenile facility adjacent to the prison.

284. This now means that all young people sentenced to a period of detention are now housed in the Boot Camp building within the prison complex – down to the age of 12 years (legally and potentially, as young as nine years<sup>50</sup>). As at mid-December 2001, there were 77 male juveniles in the Boot Camp facility, of whom 63 were sentenced and 14 were on remand. There is minimal and ineffective security between the young males and adjacent maximum security. The prison authorities state that practice is that all under 18 year olds are placed in Boot Camp, where they are provided a training and educational curriculum. Commencing in July 2001, prison officers were also receiving training, in a rights-based approach to working with juveniles. A total of 20 officers received two weeks training, based on a manual developed specifically for that purpose.<sup>51</sup>

285. The prison authorities also state that all juveniles placed on remand are now accommodated in Boot Camp rather than within the remand facility with adult prisoners and that the practice of housing adult prisoners needing protective custody (such as sex offenders and former police officers) as well as maintenance defaulters (normally sentenced to between one and three months) in the youth facility ceased earlier in 2001.<sup>52 53</sup>

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<sup>49</sup> YEA was opened in 1997 and was originally intended as a residential option for first-time male offenders aged 16-25 years.

<sup>50</sup> The age of criminal responsibility – raised from 7 years to 9 years in 1999 – may itself warrant further review, including in striving to establish uniformity within the region.

<sup>51</sup> Juvenile Offender Training Manual: A Tool for Juvenile Justice Officers (2001).

<sup>52</sup> On a December 2001 visit to the Hattieville Correctional Facility in the drafting of this report, it was noted that, despite these assurances, at least five juveniles were in the adult remand unit, and that there were 18 adult prisoners in the Boot Camp on protective custody. This was on the same day as the assurances to the contrary were given. (This practice had previously been justified on the basis of their being 'entrusted' with roles to assist in the juvenile program.) It is noted, however, that all the young inmates spoken to at that time stated that there were no problems arising from the presence of

286. The current Boot Camp facility is patently totally unacceptable as a juvenile detention facility, due to its location within the prison, the sub-standard nature of its physical amenities, overcrowding<sup>54</sup>, the presence of adult prisoners, and the staffing by adult prison personnel untrained in juvenile rehabilitation. The merging of the Boot Camp and YEA has certainly exacerbated these problems, regardless of whatever the rationale for doing so may have been. This has also meant accommodating sentenced and remanded juveniles together, in contravention of the UN Rules for the Protection of Juveniles Deprived of their Liberty (S. 17), although it needs to be emphasised that states with smaller populations and fewer resources have more limited capacity in this regard.

287. Cognisant of the need for concerted action in this regard, the National Assembly – in December 2001 – passed new legislation. The Penal System Reform (Alternative Sentencing) Act is an Act to:

- provide for the establishment of the Community Rehabilitation Department;
- enlarge the powers of the criminal courts to pass in proper cases non-custodial community sentences; and
- lay down sentencing principles to be observed by criminal courts.

288. That Act also makes consequential amendments to the Juvenile Offenders Act, the Probation of Offenders Act and the Certified Institutions (Children's Reformation) Act which had already made adequate legislative provisions for non-custodial options, but for which there had been inadequate steps taken to implement those measures. The establishment – earlier in 2001 – of a specific Department to be responsible for this new Act augurs well for its implementation, provided that adequate resources are allocated to it for such purposes.

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those adult prisoners (there were, however, problems stated with the minimal security from the adult prison, abuse from some prison personnel, and inadequate protection from abuse by other juvenile inmates). The prison administration also advised that there was just one juvenile – a 14 year old male on remand for murder – housed in maximum security, due to his having escaped from other settings and his disruption to other inmates.

<sup>53</sup> Of the 10 young inmates spoken to in the preparation of this report, none had received any advice or assistance in the judicial process, and they had been held in police cells awaiting trial for up to a week. They all generally appreciated the Boot Camp program, including the educational and craft skills segments. Those who had been in the Ladyville facility were upset by the far inferior state of the Hattieville facility.

<sup>54</sup> Some youth are sleeping in cells on a foam mattress on the floor of otherwise full six-person cells, and it is reported that, as occasional punishment, a youth may have his foam removed for the night.

The Penal System Reform (Alternative Sentencing) Act requires the CRD to:

- prepare pre- and/or post-sentencing reports for the courts in respect of community orders;
- offer counselling to juvenile offenders and their parents;
- supervise offenders sentenced to community service work or probation orders and, at the court's request, at the post-sentencing stage;
- identify suitable places for community service and monitor their standards of compliance;
- report to the court within 72 hours any breaches of the terms and conditions of community service orders;
- manage certified children's institutions established or operated by government; and
- compile statistics, prepare operational manuals and undertake research relevant to these roles.

289. A community order includes a community service order, a conditional discharge, a probation order, an order detaining a juvenile in a certified children's institution, or an order combining community orders and/or a fine or custodial sentence. Such an order may be applied by the court in lieu of a custodial sentence for an offence specified in Schedule I of the Act (unless such other sentence is mandatory or exceeds three years), and primarily comprises such first time offences as common assault, minor theft, those carrying a maximum penalty not less than six months imprisonment or \$100 fine, petty misdemeanours or petty offences, possession of cannabis or other controlled drugs in a quantity less than that deemed to constitute trafficking, or cannabis or cocaine use. It also applies to what would otherwise be a sentence of imprisonment for a person's failure to pay child maintenance under the Families and Children Act.

290. If the community order takes the form of a community service order, then the offender must consent to that order (S. 12 (3)(a)), which shall not exceed one year's duration or eight hours per weekday (S. 14 (1)). Such orders remain in force until the expiration of the required hours of work or of twelve months or the revocation or extension of the order, whichever occurs first (S. 17). Section 20 (2) specifies the grounds for which an order may be varied. Schedule II prescribes the types of work that may be ordered: work at or for any hospital or charitable, educational, cultural or recreational organisation, work at or for any organisation for old, infirm or handicapped persons, or work on any public lands. If the offender does not consent to a community order, then a custodial sentence may be imposed (S. 51 (3)). The Act emphasises that community sentences and custodial sentences may only apply to offences considered to be serious enough to warrant such a sentence (Ss. 49 (1) & 51 (2)(a)).

291. Community service orders are to be managed by Community Rehabilitation Officers (CROs), under the supervision of the CRD Director. CROs replace and extend the roles of the former Probation Officers. The Act also provides for a National Committee on Community Service. It comprises government, non-governmental, judicial and law enforcement representation, and the CRD Director as its Secretary (S. 22). Its functions are to:

- monitor the operation of community service orders;

- propose measures to improve operations; and
- receive and consider complaints by offenders concerning such orders,

and it is to also comprise district-based committees (S. 23).<sup>55</sup> The Minister of Human Development has, during 2002, committed additional resources to the implementation of the Act's provisions, including the establishment of two CRO positions in Belize District, and one CRO each in another four districts (with one CRO serving the two northern districts). This is viewed as a welcome but still inadequate level of staffing for undertaking the scope of roles and demands of the Act.

292. The Act also included a number of consequential amendments to other legislation. By amending the definition in the Juvenile Offenders Act of a child from under 14 years to under 16 years, and of a young person from 14-15 years to 16-17 years, that Act has stronger provisions concerning children in court proceedings, greater quarantining of children from adult offenders (both in court and in detention), and an extension to 16-17 year olds of provisions for children of privacy in court proceedings, bail, and pre-court detention. It correspondingly raises the upper age to under 18 years for the court to make a custody or care order, and adds community service work to penalty options in place of a sentence of imprisonment (whilst retaining detention as a custodial option). Amendments to the Probation of Offenders Act are largely terminology changes which redefine probation as community rehabilitation, and locate probation supervision roles with CRD. Similar amendments to the Certified Institutions (Children's Reformation) Act raise coverage from under-16 to under-18 years, bring institutions under the responsibility of CRD and remove prison as a court option, as well as setting down the 'principles of judicial sentencing' concerning community and custodial sentences.

293. The new Act is a substantial reform in the area of juvenile justice and in giving effect to an overdue need for the systematic and large-scale provision of alternatives to the detention of young offenders, as well as to put in place measures which finally address the comparative absence of adequate measures to reduce recidivism and promote the rehabilitation of offenders. The primary concerns have been that:

- there is insufficient resource commitment to enable the new Department to adequately carry out its mandate (since mid-2002, GOB has afforded some additional resources to the Department)<sup>56</sup>;

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<sup>55</sup> In anticipation of the new legislation, the National Committee on Alternative Sentencing was established in late 2001. The Act formally took effect from January 2002. In September 2002, the Minister for Human Development formally established a new National Committee on Community Service, and commenced the establishment of district-level Committees.

<sup>56</sup> The British Department for International Development had, since 1999, supported the need for alternatives to custody in Belize and undertook to assist GOB in its introduction of new reforms (especially concerning staffing and capacity-building of CRD and in ensuring sustainable

- the lack of staff to implement the Act is compounded by inadequate expertise in the juvenile justice area;
- the volume of juvenile offenders eligible to benefit from community orders will, for some time, far exceed the availability to the courts of sufficient placement options;
- inadequate infrastructure at the outset may undermine the Department's capacity to secure sufficient and recurrent community placement opportunities;
- the entrenched culture across the court system and within the police force will test the appropriate application of community orders;
- the urgency felt by many in the judiciary and juvenile justice areas to apply alternatives to detention may threaten the integrity of the development of proper protocols and administrative arrangements<sup>57</sup>;
- political commitment to the legislation is likely to be tenuous in the inevitable occurrence of even a minor infringement by an offender of the terms of an order (especially in the face of media scaremongering); and
- the consequential importance of securing media and public familiarity of and support for the legislation.

294. This is perhaps the most important current area of reform in Belize relevant to improved compliance with the CRC. It certainly warrants strong commitment by the international community, as well as explicit political commitment. Any public support for strengthening attention to rehabilitative aspects of juvenile justice is likely to be tenuous in a climate which seeks stronger punitive treatment for even minor offences, and government acknowledges its need to be consistent in ensuring that this legislation receives strong support in political, administrative and resource terms. This will need to include early attention to the establishment by the Minister of enabling regulations, and securing of resources to provide the necessary capacity-building within the CRD to ensure the legislation's success.

295. There are also parallel needs to address the young person's access to legal advice and assistance during the judicial process, to establish offices of the Family Court in each district, to

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implementation of the new Act), but – at the end of 2001 – advised that it would not now extend such assistance.

<sup>57</sup> In September 2002, CRD – with assistance from UNICEF – initiated a consultancy project to establish such protocols and arrangements, together with staff development and agency capacity-building.

proceed with the construction of a separate juvenile detention facility outside the prison complex and to establish a trained juvenile justice unit within the Police Department, with formal liaison with CRD personnel. It will also be necessary to monitor the operations and security of the Family Court to the extent that the new legislation will bring young offenders into that court from the magistrates court, when it has been so well oriented to dealing with the needs of families and children, and could thus compromise that climate.<sup>58</sup>

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration

#### Article 32

- 1) States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
- 2) States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
  - (a) Provide for a minimum age or minimum ages for admission to employment;
  - (b) Provide for appropriate regulation of the hours and conditions of employment;
  - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

#### Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties and to prevent the use of children in the illicit production and trafficking of such substances.

#### Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;

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<sup>58</sup> It is also noted that there are presently no holding cells at the Family Court.

- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

#### Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

#### Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

#### Child Labour

The situation is as described in the Initial Report. The Labour Act sets the following minimum ages for work:

- employment in work which is hazardous: 14 years (S. 169);
- part-time employment: 12 years (S. 169); and
- full-time employment: 14 years (S. 54).

Since the Initial Report, Belize has become a signatory to a number of ILO conventions relevant to children and families. These are set down in Chapter 1:

- ILO Convention No. 100: Equal Remuneration Convention 1951
- ILO Convention No. 111: Discrimination (Employment and Occupation) Convention 1958
- ILO Convention No. 138: Minimum Age Convention 1973
- ILO Convention No. 156: The Workers with Family Responsibilities Convention 1981
- ILO Convention No. 182: Worst Forms of Child Labour Convention 1999.

The Families and Children Act reinforces the provisions of the Labour Act by providing that:

“ Subject to the provisions of the Labour Act and the District Courts (Procedure) Act, no child shall be employed or engaged in any activity that may be detrimental to his health, education, or mental, physical or moral development”. (S. 7)

296. However, enforcement remains a problem, and numbers of children clearly of compulsory school age can continue to be seen assisting household members in produce markets and vending refreshments at bus stops, as well as reportedly working in household or local market gardens or in domestic labour. Often this will be for no direct remuneration, but at the direction of a parent or other adult. There are anecdotal reports of children of 12 years and younger being employed on farms to

remove stones from market gardens, and in the planting and cutting of sugar cane. There are also anecdotal reports of children being involved in bringing contraband produce into Belize from Mexico and being paid in alcohol. Such reports prove difficult to establish and prosecute, as there usually is no complainant.

297. A 2000/01 Child Labour Project in the Corozal District – managed by NOPCA – aimed to eliminate the worst (more hazardous and exploitative) forms of child labour, and to foster improved school participation by under-14 year olds, and to ensure that working-age children were guaranteed non-exploitation, appropriate working hours and proper wages. This Project placed 25 children back in primary school, and awarded ten scholarships (a girl to high school, four young people to the National 4H Training Centre, two to the National Youth Cadet Corps, and three to the Centre for Employment Training). The results of its research were not formally published, evidently due to methodological problems casting doubt on the validity of a number of its conclusions.

298. The CSO has recently conducted a Child Activity Survey which is due for release in late 2002, and will provide useful data concerning aspects of child labour. That survey was focussed on Corozal District (which has a substantial sugar industry and borders Mexico) and is expected to show a persistent problem with child labour occurring with the following characteristics:

- at the expense of the child's education;
- at the direction of the parent or another significant adult;
- not necessarily remunerated, such as assisting in work on the milpa or in domestic labour; and
- not necessarily confined to households with significant financial need.<sup>59</sup>

299. The CSO and Ministry of Labour are presently conducting a national child labour research project (Compilation of Qualitative Data for the Statistical Information and Monitoring Programme on Child Labour (SIMPOC)). This project is also due to report in late 2002, and will include recommendations on measures to improve the situation in Belize concerning child labour.

300. There is general consensus that child labour – informal and casual, during school hours and outside school – is of considerable concern in Belize. The availability of two studies of child labour in Belize in late 2002 will enable concerted and well-informed attention to associated public policy and law reform. This is a role which should be embraced jointly by NHDAC and NCFC, in collaboration with NOPCA and the Ministry of Labour, to produce a consolidated policy document for GOB's consideration.

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<sup>59</sup> CSO report to UNICEF Programme Review/Planning Meeting, November 2001.



### Drug Abuse

301. The Initial Report noted the absence of relevant data in this area, and this generally remains the case. A 1998 survey carried out by the relevant Government agency, the National Drug Abuse Control Council (NDACC) showed that the most prevalent drugs used by upper school children were marijuana and alcohol, and that the age of experimentation had fallen from 16 years to ten years (54% reported alcohol usage since the age of ten). This is a practice primarily amongst boys, although there are reports of alcohol abuse by girls at levels to be of concern. Other drugs of particular concern are cocaine and crack, although usage is largely within the adult age groups. There continues to be very minimal intravenous drug usage in Belize.

302. NDACC has established stronger roles since 1999/2000, coinciding with a strengthened relationship with the Minister and within its Ministry (Health) and its greater credibility with educators and the education system. Its work with young people has focussed on the education system, and emphasised a preventative approach. Coinciding with the adoption of the new national educational curriculum in 2000, NDACC has collaborated with MoE in the integration of drug education into the school curriculum for Infant I through to Standard IV, and is presently drafting curriculum material to extend coverage to Standards V and VI.

303. Also in 2000, every primary school and some secondary schools appointed a nominated School Liaison Officer on drug education, who are being trained by NDACC in three phases, in each of the years 2000, 2001 and 2002. In 2001 it produced classroom resource materials.<sup>60</sup>

304. In 2000, it established Parent In Action groups nationwide, which are supported by NDACC coordinators within each district, as well as district-based Task Forces which comprise community representation. In January 2002, NDACC opened a drop-in centre in Belize City for young people.

305. NDACC reports problems with prescription and over-the-counter drugs, and in mid-2000 MoH particularly tackled the problem of pharmacists who sell prescription drugs without prescriptions. Of particular concern are increasing reports (now averaging one per week) of the use of so-called 'date rape' drugs (such as rohipnol). NDACC is presently pursuing the declaration of such drugs as prescription drugs, and has commenced conducting educational workshops in schools on strategies to minimise the risk of exposure to such drugs.

306. As part of its 2002 Strategic Plan, NDACC proposes to develop a parent training manual, draft a school-based drug and alcohol policy, conduct a nationwide survey which will produce better data at district level and by ethnicity, and introduce a drug treatment program within the prison system<sup>61</sup>. A

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<sup>60</sup> See, in particular, NDACC (2001), An NDACC School Drug Prevention Education Resource Book

<sup>61</sup> A prison survey undertaken in 1997 revealed that approximately 41% of inmates at that time admitted to committing a crime whilst under the influence of drugs and that 39% had committed a crime to buy drugs. The absence of a specific drug education and rehabilitation program within the prison system has been a major oversight.

parallel consequence of the strengthened preventative and educational strategy developed by NDACC has been corresponding shortcomings evident in efforts in the treatment area (proposals for the prison notwithstanding), and this warrants prompt attention.

307. As mentioned in Chapter II, the Intoxicating Liquor Licensing Act was amended in late 2001 to strengthen the provisions against the sale or serving of alcohol to under 18 year olds in licensed premises.

#### Commercial Sexual Exploitation

308. As earlier noted, the laws concerning the rape, sexual abuse and carnal knowledge of children have been substantially strengthened since 1996, both in terms of the coverage and scope of those provisions and in the accompanying penalties for perpetrators. However, despite the urging in the Initial Report to afford such equal protection to boys, these provisions essentially still relate only to girls. This needs to be urgently addressed. Even so, it is acknowledged that, whilst there continue to be difficulties in proceeding with complaints of abuse against girls – primarily because of the prevalence of such abuse from adult men within or close to the girl's family – there will be difficulties in adequately enforcing such laws when applied to abuse of boys, often because of entrenched homophobia which reduces the willingness to come forward with a complaint.

309. A survey and study of the commercial sex work industry in Belize was undertaken in 2000, funded by UNICEF<sup>62</sup>. It found that many sex workers have been 'trafficked' into Belize; often brought into Belize illegally and working without legal work permits. The majority of these workers are Mestizo girls and women from neighbouring Central American states and Mexico. Most of the established brothels are in the northern districts, and the sex workers there are 95% Mestizo. Nationally, about 50% of sex workers were born in Central America, not including Belize (around three-quarters of sex workers in Belize City are Creole). Outside of Belize City, the vast majority of workers are recruited from neighbouring Central American countries by intermediaries who are predominantly Belizean. Sex workers are generally aged 15 years and over, although the survey learnt of workers as young as 12 years. Under-18 year old workers are predominantly working outside of Belize City.

310. The survey questioned workers, operators, clients and intermediaries (arguably the traffickers, although operators are usually closely linked to intermediaries). It revealed an indifference by the Police to the industry, with many clients being police or defence officers.

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<sup>62</sup> Heusner, G K (2001), Study on the Sexual Exploitation of Women and Children: Sex Providers, Belize, NCFC/UNICEF

311. A large majority of the workers report that their first sexual experience was ‘violent’ (suggesting non-consensual) rather than ‘pleasure’ (suggesting consensual) (Orange Walk: 79%, Belize District: 36%).<sup>63</sup> Some of the characteristics about the sex workers from the survey are that:

- approximately 50% have not proceeded beyond primary school (Orange Walk: 79%, Belize District: 36%);
- at least 50% in Belize District/City have completed secondary school;
- approximately 75% in the northern districts work 7 days per week;
- approximately 75% in the northern districts work more than 10 hours per day;
- approximately 50% commenced in the industry before the age of 18 years;
- approximately 50% commenced in the industry before coming to Belize;
- many of the other immigrant workers report having been promised domestic work or waitressing positions when they arrived;
- approximately 75% have health checks at least every six months;
- approximately 80% always use protection (100% in Belize City);
- more than 80% of foreign clients seek sex with minors, but this is not confined to foreigners (75% of Belize City clients seeking an underage worker are Belizean).

312. There was also a high reported incidence of young women workers whose ‘boyfriend’ is much older and financially assists them. These men often tend to be family friends, and in a reportedly largely consensual friendship, although the original relationship usually stemmed from the female’s professed financial hardship.

313. Since the Initial Report, a new dimension has been added to the commercial sexual exploitation of children, in the form of internet child pornography. The survey suggested that around 15% of clients in the two southern districts, and 28% of clients in the tourist destinations on the island cays, want to take videos or photographs. Typically, these would likely be intended for personal use, but this is, of course, impossible for the worker to regulate after the event. Belize is at least as helpless as other more powerful states to effectively address this problem which, regardless, requires national

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<sup>63</sup> Compare this rate with a BFLA study, in which the first sexual experiences of adolescent females appears to be predominantly consensual. (*Girl Talk, op cit*, p. 47) However, this is an equivocal conclusion given the high rate of respondent agreement that sexual activity is often to please or keep a boyfriend.

diligence to try to detect such occurrences of abuse, but a global effort in tackling circulation of such material.

314. There is an urgent need – due to the threats to Belize’s sexual health efforts, its emphasis on the foreign tourist industry, the need to ensure adequate protection to sex workers and, most importantly, the need to safeguard girls from sexual exploitation – for GOB to examine measures to more stringently regulate the sex work industry. This may require legislation to legalise and license brothels, register workers and mandate contraceptive use and regular health checks. There is also a need to repeal some existing provisions and properly enforce others, including examining the adequacy and enforcement of penalties for operators engaging minors in commercial sex work, and those found trafficking minors into the industry. As stated, it is also necessary to acknowledge and address the issue of male sex workers, and the vulnerability of boy minors to sexual exploitation. A number of these matters, especially concerning the employment of, trafficking in or soliciting of sex workers aged under eighteen years, could – in the first instance, and pending the development of more comprehensive legislation for the industry generally – be addressed by the Minister for Human Development via regulations under the Families and Children Act (S. 154)<sup>64</sup>.

D. Children belonging to a minority or an indigenous group

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

315. Belize is a very multicultural and ethnically diverse nation with, in descending order of population magnitude, Mestizo, Creole, Garifuna, Kek’chi Maya, Mopan Maya, Mennonite, East Indian and Yucatec Maya<sup>65</sup> populations, plus (with less than 1% share each) Chinese (mainly Taiwanese), caucasian/white and black/African populations, and ‘other’ (1.1%). However, conventional notions of ethnic division are very problematic, given the prevalence of inter-ethnic unions over the generations. Often, a person’s ethnicity will better reflect their cultural identity than their ethnic descent. Either way, there has been a well-developed individual and collective awareness of and pride in the nation’s ethnic diversity. To some extent, some ethnic groups – primarily the numerically smaller groups, such as the Kek’chi, Mopan and Yucatec Maya, and Garifuna (who comprise 5.3%, 4.0%, 1.3% and 6.4% of the national population, respectively) – have had to

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<sup>64</sup> Regulations made under this Act may prescribe penalties of up to a \$5000 fine or two years imprisonment or both (S. 154 (3)).

<sup>65</sup> The Yucatec Maya are now known as Maya Mestizo, however the former term is used here in conformity with that used in the source documents.

occasionally assert their cultural significance, but the result is a rich and valued mix of ethnic and indigenous minorities.<sup>66</sup>

316. More recently, Belize has also received a number of Taiwanese residents, who have taken efforts to establish racial harmony and mutual respect as they settle. This has not been without its tensions, as they tend to settle in urban areas alongside largely Creole populations, but to display substantially more affluence, at a time when the Creole composition of Belize has been declining (from 40% in 1980, to 30% in 1991, to 25% in 2000). Although there is a perception of quite a sizeable number of Taiwanese moving to Belize, the 2000 Census records just 0.7% of the population as 'Chinese', the same as the 'caucasian/white' population.

317. This also means that Belize possesses a number of different languages. English remains as the official language, although just 54% report speaking it 'very well', whilst 20% do not speak it at all. The corresponding figures for Spanish are 44% and 45%. A large proportion of Belizeans continue to speak Creole as their everyday language, and smaller populations speak different Mayan languages, Garifuna (who have been successfully developing awareness of both their spoken and written language), German (essentially within the Mennonite communities), and Mandarin. However, popular broadcasting is primarily in English, plus Creole and Spanish, whilst English is the language within the education system, alongside the expected teaching of Spanish as a second language in primary schools, and as an elective in secondary schools.

318. This does not, however, mean that there are no longer any ethnic or linguistic barriers for children in Belize. As has already been observed, some Spanish-speaking Mestizo children in rural areas continue to experience difficulties in adequately coping with the school system due to language barriers. This can be even more problematic for Maya-speaking populations in remote areas. The consequence can sometimes be the child's withdrawal from formal education. These are problems which MoE continues to attempt to address.

319. There are no noticeable instances of denial of religious rights, including with or towards the small Muslim community of Belize since September 2001. In some rural areas, the only available school may sometimes be a denominational school, and this can cause some difficulties when the school denies enrolment to students of a different faith due to space limitations, or coerces participation in some activities which are faith-based. This problem is more to do with the comparative compliance of the public education authorities within a state-church partnership in which the churches assert their autonomy in such matters, than with any religious discrimination per se, and has accordingly been commented on in Chapter VII, Section B.

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<sup>66</sup> One Belizean academic has described Belize as undergoing a 'creolization' and the emergence of 'the new Belize Creole' (Joseph M Palacio (1988), "May the New Creole of Belize Please Rise", reprinted in abridged form in *Ideas*, Society for the Promotion of Education and Research, Vol. 6 No. 1 (August 2001). Since this proposition, Belize's population has shifted to the Mestizos being the single largest group, but the point of a primary ethno-culture and identity regardless of specific ethnicity may well remain valid.

320. The Education Rules provide that denominational schools may conduct up to one class period a day in religious observance and instruction (S. 121) and, for public schools, religious instruction may not exceed one class period per week (S. 122). Non-participation requires the parent's written objection. The Population Census 2000 reported that, since the 1991 census, the major variations in religious attachment were an eight percentage point fall (to 49.6%) in those describing themselves as 'roman catholic', and a four percentage point increase<sup>67</sup> (to 9.4%) in those describing their religion as 'none'.

Amongst relevant concerns which may be of an ethnic or racial nature are:

- reports of some children – generally Mennonite and Mestizo – attending school tired from long hours of domestic labour;
- the need to raise the marriage age from its present 14 years (with parental consent) to 16 years (there is a current opportunity to do so because of reports that, within some Maya communities – where most early marriages occur – there is support from elders for such a measure)<sup>68</sup>.

321. A formal agreement between the former British Honduras Government and the Mennonite community affords certain guarantees to the latter “for all time so long as the Mennonites observe and fulfil the conditions imposed upon them by this agreement”. These include:

- the right to run their own schools, with their own teachers, in their own German language, according to their own religion;
- entire exemption from any military service;
- exemption from any social security or compulsory system of insurance.<sup>69</sup>

322. The agreement provides that the Mennonites will, “subject to this agreement, observe and obey the laws of British Honduras”. Mennonite schools use their own curriculum, although there are reports

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<sup>67</sup> The rate of increase may be greater: the 1991 Census combined 'none' and 'not stated'. The 1991 'not stated' rate has been assumed at the same rate as it was in the 2000 Census (0.6%).

<sup>68</sup> It is noted, however, that according to the Population Census 2000, Mayan – and Mennonite – marriages are the most likely to endure (similarly, 'caucasian/white' and 'chinese', but the population sizes are very small). It is not so much a matter of age at which good life-partner decisions may be made, but rather what an early marriage occurs at the exclusion of, such as a more complete education or capacity to establish economic independence and sufficiency.

<sup>69</sup> “Mennonites Agreement for Our Records”, British Honduras, 16 December 1957. The Agreement appears to exempt the Mennonite community from contributing to the new NHI Scheme and, similarly, from affording Mennonite women and children its benefits.

of some schools converting to the national curriculum, which is a trend which is expected to continue as the community grows and there is greater blending with non-Mennonite communities and students.

323. Finally, and as reported in Chapter IV, Section G, the CAC conducted a Cultural Expo in 1997 to highlight the strengths and benefits of Belize's diverse cultural heritage. This is increasingly valued as Belize continues to develop a diverse tourism industry based on its natural and cultural heritage.

### **SYNTHESIS & CONCLUSIONS**

324. This report has provided an update of the situation concerning children in Belize, with particular regard to the provisions of the CRC, since the Initial Report of 1996. It has tried to be comprehensive up until the end of 2001. This has included reference to changes in legislation, updated statistical information, the development of public policy, progress in the delivery of services and programs, and relevant research findings. The commentary in this report has endeavoured to be objective in highlighting not only the wide range of advances made in these respects – and the associated improvements in Belize's compliance with the CRC – but also a number of shortcomings that continue to exist, such that GOB may be better prepared to strengthen its efforts in the period leading up to the next Periodic Report.

#### **Committee on the Rights of the Child: Observations & Recommendations (1999)**

325. The January 1999 'Concluding Observations of the Committee on the Rights of the Child: Belize' included a number of recommendations for GOB's consideration to strengthen overall compliance with the CRC. These recommendations are summarised in Attachment F, together with the relevant paragraph reference in the Committee's response and a brief comment on the present status of such recommendations.

326. Whilst there was no formal obligation on GOB with respect to act upon these recommendations, it is acknowledged that those recommendations serve as a valuable guide to addressing existing weaknesses and shortcomings in Belize's compliance. It is noted that substantial progress has been made in improving compliance in terms of the Committee's response. Many of the recommendations have been implemented and many others have actions currently underway.

327. One important benefit of including Attachment F will be for national consideration and information, given that the Committee's response had not earlier been circulated to relevant agencies.

#### **World Summit Goals for Year 2000**

328. Belize's achievements according to the World Summit for Children Goals are shown in Attachment C. This table shows – where possible or applicable – data for the 1990 base reference year, the associated year 2000 goal, the actual year 2000 data, and relevant minimum and maximum data by district or other appropriate measure.

329. It needs to be noted that a number of indicators are qualitative in nature, and that there are some additional goals and indicators. The latter are due to Attachment C relating to the subsequent Lima Accord Year 2000 Commitments, which incorporates all of the World Summit Goals as well as some additional goals specific to the Latin American and Caribbean region.

330. The following table refers to the Goals as presented in The State of the World's Children 2002 (UNICEF, 2001) and is a summary of the principal indicators.

**WORLD SUMMIT FOR CHILDREN GOALS: BELIZE (1990-2000)**

Goal	1990 Base	2000 Goal	2000 Actual	Comment		
1	Reduce infant mortality rate by 33%	43	29	21.5	GOAL MET (including in most districts)	
	Reduce under-5 mortality rate by 33%	53 (1988)	35	26.0	GOAL MET (including by district)	
2	Reduce maternal mortality ratio by 50%	190	95	69	GOAL MET (data too small to comment by district)	
3	Reduce severe and moderate under-5 malnutrition by 50%	not known		not known	Data unavailable	
4	Universal access to safe drinking water (%)	urban rural	94 51	96 63	100 82	GOAL MET (including rural) (refers to 25% reduction in population without access)
5	Universal access to sanitary means of excreta disposal (%)	urban rural	59 21	66 34	71 25	GOAL MET (nationally, but not in rural areas) ) (refers to 25% reduction in population without access)
6	Universal access to basic education (%)	90		81 (1998)	GOAL NOT MET (evidence of deterioration)	
	Completion of primary education by 80% of children	not known		not known	GOAL NOT MET (net primary enrolment only 81%)	
	Reduce adult illiteracy rate to 50% of the 1990 level (%)	30 (1991)	15	not known	GOAL NOT MET (subject of further research)	
7	Improve protection of children in especially difficult circumstances:					



TABLE (continued)

Goal	1990 Base	2000 Goal	2000 Actual	Comm ent	Goal
	AIDS and child mortality	2  (85- 94)		11	Refers to cases of perinatal HIV transmission
	Percentages births not registered			50 (est.)	Very poor rate by global standards

From this table and the more detailed table at Attachment C, it will be noted that:

331. Belize has performed quite well in meeting the majority of performance indicators for which data are available; and

332. there is a need to strengthen statistical recording for many relevant indicators (this will partly be addressed by such means as improved computerised health records and data recording for infants and children, as well as current measures to initiate SIC capacity-building).

333. At the same time, it is important to acknowledge a number of areas where performance must be improved. This is especially so in such areas as primary and secondary school enrolment and completion, iron deficiency in women, breastfeeding rates, birth registration and literacy levels.

334. World Summit Goals which remain difficult to determine due to data unavailability or limitations include child malnutrition levels, which may have now been addressed through the revised Care and Growth Charts.

#### Priorities for Review and Action

335. The Initial Report included an attachment which described a wide range of measures which could be taken to improve overall compliance with the CRC. That was designed primarily for domestic purposes, which was of limited utility due to the non-circulation of the report. Nevertheless, a number of the identified actions were reflected in the subsequent recommendations of the Committee on the Rights of the Child.

336. Given the substantial progress which has been made since that time against so many of those recommendations, Attachment B presents a similar but updated inventory of current concerns and issues which are deemed to warrant further consideration, drawn from the text of this report. Attachment B foreshadows both the circulation of this report within Belize and continuing dialogue within GOB, and between GOB and relevant NGOs and others, on public policy, law reform and program development with respect to child development and protection.

337. It is far from being a catalogue of shortcomings in Belize with respect to the CRC and the status of children. Rather, it is a reminder of the progress made in Belize in pursuit of its continuing commitment to the CRC and the opportunities emerging in the wake of progress to-date and from the opportunity for re-examination afforded by the preparation of a Periodic Report.

Concluding Comment

338. The Government of Belize takes the opportunity afforded by this Periodic Report to reaffirm its strong commitment to the CRC. This report has documented a wide range of improvements which Belize has continued to make in this regard since the previous (Initial) Report, as well as a number of shortcomings in our continuing efforts. It has also provided a useful means by which a number of opportunities for further progress may be identified. The circulation of this report to relevant government and non-governmental agencies will enable GOB and NCFC to determine action priorities and to implement reforms in the period leading up to the next CRC reporting period.

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### ATTACHEMENT A

The Laws of Belize, 2000: Titles and Chapters (Selected List)

<b>Chapter</b>	<b>Title</b>
197	Administration of States Act
4	Belize Constitution Act
161	Belizean National Act
121	Certified Institutions (Children's Reformation) Act
90	Court of Appeal Act
101	Criminal Code Act
135	Defence Act
178	Domestic Violence Act
36	Education Act
95	Evidence Act
173	Families and Children Act
93	Family Courts Act
156	Immigration Act
96	Indictable Procedure Act
1	Interpretation Act
150	Intoxicating Liquor Licencing
119	Juvenile Offenders Act
297	Labour Act
174	Marriage Act
4	Ombudsman Act
..	Penal System Reform (Alternative Sentences) Act
30	Pensions Act
119	Probation of Offenders Act
156	Registration of Births and Deaths Act
42	School Teachers Pensions Act
44	Social Security Act
45	Social Services Act
98	Summary Jurisdiction (Offences) Act
99	Summary Jurisdiction (Procedure) Act
88	Village Councils Act
203	Wills Act

Regulations

Criminal Justice (Community Service Orders) Regulations

Families and Children (Child Abuse) (Reporting) Regulations

Families and Children (Protection of Children) (Belize City) Regulations

**ATTACHMENT B**  
**Inventory of Opportunities and Priorities for Action**

I. General Measures of Implementation

- 1) provide resource assistance to capacity-building of the Social Indicators Committee
- 2) a formal decision needs to be made about the status and nature of a National Plan of Action for Children
- 3) examine the comparatively poor targeting of foreign aid effort to basic social services
- 4) examine the opportunity to improve annual GOB budget reporting on outlays for children
- 5) distribute this Periodic Report to relevant GOB and non-governmental agencies
- 6) distribute the subsequent report by the UN Committee on the Rights of the Child to relevant GOB and non-governmental agencies

II. Definition of the Child

- 1) conduct a thorough review of the Laws of Belize to make provisions for minimum ages more comprehensive and more consistent
- 2) amend Belizean laws to redress different treatment of boys and girls, especially concerning sexual abuse and exploitation (and gender assumptions of perpetrators)
- 3) further review the raised age of criminal responsibility in order to facilitate establishment of a regional standard
- 4) make legal provision for establishing a minimum legal age at which a child may receive independent medical and legal advice and consent to medical treatment
- 5) examine a possible loophole in the Juvenile Offenders Act concerning the imprisonment of 10-13 year olds compared to 14-15 year olds (Ss. 11 & 12)

III. General Principles

- 1) attention needed to the establishment of the Family Court within each district
- 2) review the application in judicial and administrative processes of the Families and Children Act move from decision-making on the basis of the best interests of the child as “a primary” to “the paramount” consideration
- 3) examine the need for specific legislation for people with a disability, including children
- 4) ensure collaboration between the Vital Statistics Office and National Health Information System in the registering of deaths

- 5) examine the comparative merit of – and consult with relevant NGOs on – establishing a position of Children’s Rights Ombudsman as an independent authority with investigative powers beyond government and statutory authorities, or of resourcing the Ombudsman with dedicated investigative capacity for matters concerning children, including outreach capacity
- 6) formulate and adopt a comprehensive Children’s Code within legislation

#### IV. Civil Rights and Freedoms

- 1) adopt measures to strengthen birth registration, including attention to recommendations of recent reviews and closer cooperation with and from health centres
- 2) examine the merit of a further amnesty program for undocumented children
- 3) afford the CAC improved annual support
- 4) jointly review the role and structure of the CAC and the Youth Advisory Council
- 5) review the adequacy of existing provisions for children sentenced to life imprisonment to seek parole or a review of that sentence
- 6) strengthen support for the Community Counselling Centre
- 7) examine the relevance of the Belize City curfew and the adequacy of its implementation

#### V. Family Environment & Alternative Care

##### *Parenting & Institutionalisation*

- 1) ensure adequate resourcing of the role of Inspector of Social Service Agencies with respect to the range of responsibilities
- 2) review the arrangements made in relocating youth institutions – especially reduced access and capacity – and adequacy in dealing with marginalised and at risk children
- 3) examine apparent diminished effectiveness of efforts in working with urban youth gangs
- 4) review policies and procedures for the periodic placement of children in institutions
- 5) abolish provisions for ‘uncontrollable behaviour’ and strengthen efforts in parent effectiveness
- 6) (whilst ‘uncontrollable behaviour’ is retained) examine current practices in order to reduce the associated incidence of institutionalisation of young people, by mandating parental counselling and utilising existing provisions for parental financial contributions to the child’s institutional care (including the redirection of any child maintenance payments).

*Fostering & Adoption*

- 7) implement measures to strengthen foster care in its quality and capacity
- 8) ensure formal separation in adoption process between the applicant's advocate (lawyer) and the child's guardian ad litem
- 9) ensure that guardians ad litem are appointed under the Minister's control and are registered with DHS
- 10) examine merit of enabling guardians ad litem to be supervised by an appropriate external agency (eg. NOPCA)
- 11) strengthen DHS data records on adoption, including of intercountry adoptions and de facto adoptions
- 12) amend the Families and Children Act to ensure that inter-country adoptions are only approved on the basis of due attention to the child's ethnic, cultural, religious and linguistic background (as per Article 20 (3))
- 13) amend the Families and Children Act to ensure that inter-country adoptions are only approved on the basis of due attention to suitable domestic remedies having been exhausted (as per Article 21 (b))
- 14) examine and pursue anecdotal reports of continuing informal adoptions
- 15) make legislative provision for the adoption of non-Belizean children resident in Belize (such as the child of an undocumented person)
- 16) join as a state party to the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption

*Maintenance*

- 17) adopt and enforce measures for the collection by court officers or police officers of maintenance subject to court orders
- 18) extend the maintenance entitlements of the children of unmarried parents to the children of married parents
- 19) apply any costs of collection of late or defaulted payments on the payer, and not the payee (or, more accurately, the child)
- 20) establish and implement formal procedures for the collection of maintenance payments due to or from residents of other Commonwealth states
- 21) pursue the adoption of a reciprocal maintenance agreement with the USA

- 22) examine the merit of joining as a state party to the Hague Convention on the Recognition and Enforcement of Decisions relating to Maintenance Obligations

*Abuse & Neglect*

- 23) examine FSD resource needs due to the introduction of mandatory reporting and associated six-fold increase in cases
- 24) require police to inform DHS of all instances of abuse and neglect, including of all instances where parents seek to withdraw a complaint, for investigation
- 25) prepare a procedures manual for the handling of child abuse cases, including guidelines for courts
- 26) address problems in medical assessment and reporting of child abuse, including the development and implementation of standardised protocols, mandatory reporting by doctors, and revision of the Medico-Legal Form
- 27) extend the notion of guardian ad litem (or amicus curiae) to other matters related to the child's welfare within the judicial system
- 28) review the effects of FSD officers having multiple roles in child cases, such as investigating officer, prosecutor, guarantor of child's best interest and child's witness
- 29) examine measures needed to address socio-cultural attitudes which may inhibit the reporting of sexual abuse against young males
- 30) urgently examine the incidence and nature of girls 'consenting' to sexual abuse to derive material benefit to facilitate continuation of schooling
- 31) investigate reports of sexual exploitation (and drug and alcohol problems) of children within the Corozal Commercial Free Zone

*Corporal Punishment & Alternative Forms of Discipline*

- 32) until corporal punishment is prohibited within the education system, at least enforce the legal requirement that it only apply as a last resort to 'serious and repeated offences'
- 33) require that a serious offence be recorded in the school's Log Book, with the date and that a warning has been given that repetition may result in corporal punishment
- 34) require that the use of corporal punishment be recorded in the school's Log Book, stating both the nature of the serious offence and the prior dates upon which appropriate warnings had been issued
- 35) prohibit the use of corporal punishment within public detention and residential institutions
- 36) specifically review the appropriateness and rehabilitative merit of the reintroduction of the flogging of juveniles in the Prison facility



- 37) retain and strengthen efforts in national training of teachers, parents and officers in youth institutions on effective alternative forms of discipline

## VI. BASIC HEALTH & WELFARE

### *Disability*

- 1) urgently reinstate systematic disability screening of infants
- 2) urgently finalise the divestment of general disability services
- 3) review adequacy of NGO disability structures and capacity-building requirements

### *Child & Infant Health*

- 4) ensure dedicated attention to the promotion of breastfeeding practices
- 5) pursue the registration of hospitals – starting with Corozal and Toledo – as Baby-Friendly Hospitals
- 6) complete research and statistical analysis on child stunting and growth retardation
- 7) ensure the maintenance of a strong public health system in primary health care for children, as the NHI Scheme expands reliance on private providers
- 8) ensure that private health providers comply with existing MCH record-keeping related to infants and children (viz. Care and Growth Charts)

### *Reproductive Health*

- 9) adopt and implement a national reproductive health policy
- 10) maintain – and continue to strengthen – reproductive health education and services to young people, especially in schools

### *HIV/AIDS*

- 11) closely monitor perinatal HIV transmission and male-to-female transmission
- 12) maintain efforts in administering antiretrovirals and alternative infant feeding methods

### *Water & Sanitation*

- 13) examine the rate of improved rural sanitation coverage to ensure WSG are met for 2005

*Social Security & Child Care Services*

- 14) attention needed to continuing inadequate capacity in child day care centres and preschool centres
- 15) need to improve formal teacher training of preschool teachers
- 16) examine the adequacy of standards in preschool centres and resource requirements
- 17) maintain focus on primary school nutrition and feeding programs
- 18) ensure – via MCH and other appropriate GOB agencies – the establishment of and compliance with national service standards within the NHI Scheme

VII. EDUCATION, LEISURE & CULTURAL ACTIVITIES

- 1) formulate and implement a proactive national literacy strategy
- 2) abandon the payment by GOB of tuition fees which reinforce inequities
- 3) ensure that no child is denied access to assessment or examinations on the basis of a parent having not paid fees
- 4) urgently address persistently poor enrolment and completion rates within the primary school sector
- 5) strengthen measures to improve primary school attendance rates
- 6) ensure sufficient resourcing of efforts to accommodate out-of-school young people who wish to return to formal education
- 7) strengthen GOB support for NGOs (such as YES, YWCA) catering to the educational and developmental needs of out-of-school girls and marginalised young people
- 8) urgently address poor secondary school enrolment rates
- 9) adopt a strong policy across the education system to ensure no discrimination against the right of a student who is pregnant or a teenage mother to continue in her education
- 10) ensure that all students are made aware of the provisions of the CRC and of human rights provisions and instruments
- 11) examine the incidence of denominational schools adopting practices which effectively exclude students on the basis of religious attachment.
- 12) Special Protection Measures

*Situations of Emergency*

- 1) review the merit of incorporating an 18-year age limitation within Defence Act provisions for conscription

*Juvenile Justice*

- 2) examine court sentencing practices of children for minor offences and last resort compliance – to ensure no breach of Article 37 (b)
- 3) urgently construct a separate juvenile detention facility outside of the prison complex – to ensure no breach of Article 37 (a)
- 4) examine the lack of access by young people to legal advice and of access to legal assistance – to ensure no breach of Article 37 (d)
- 5) ensure sufficient resource commitment to and strong political support for the new juvenile justice (alternative sentencing) legislation
- 6) commit sufficient resources to capacity-building, implementation effort and judicial operating agreements, within the Community Rehabilitation Department
- 7) monitor Family Court operations with the extension of its roles to young offenders
- 8) amend the Families and Children Act (S. 153) to satisfy Article 40 (2)(b) concerning the right to privacy of a child alleged as or accused of infringing the penal law

*Child Labour*

- 9) need for NHDAC and NCFC to examine current reviews of child labour in Belize, in collaboration with NOPCA and the Ministry of Labour, to formulate legislative, policy and program reforms

*Drug Abuse*

- 10) examine the need for improved effort in the provision of drug treatment programs
- 11) monitor compliance with stronger laws governing the sale of alcohol to minors in licensed premises
- 12) review merit of adopting laws prohibiting the sale of tobacco to children
- 13) classify so-called ‘date rape’ drugs as prescription drugs

*Commercial Sex Work*

- 14) introduce a Regulation under the Families and Children Act concerning minors and ensuring police attention to their employment, trafficking and soliciting

- 15) examine the merit of legalising and regulating the industry, with sex work premises registered, sex work confined to registered premises, workers required to have regular health checks, mandatory use of condoms, and harsh accompanying penalties for employing or soliciting under-age workers
- 16) establish a minimum legal age for sex work at 18 years
- 17) amend laws governing sex work to include equal protection to young males

*Minorities & Indigenous Groups*

- 18) amend the Marriage Act to provide that the minimum age for marriage is sixteen years.

## ATTACHMENT C

## PRINCIPAL STATISTICAL INDICATORS

## WORLD SUMMIT &amp; LIMA ACCORD YEAR 2000 COMMITMENTS

The Lima Accord commitments comprise all those Goals contained in the World Summit Goals, plus several additional Goals considered to strengthen compliance with the Convention within the Latin American and Caribbean region. The following tables follow the Lima Accord's use of four thematic groupings: Health, Nutrition and Environment; Education; Child Protection; and Gender Equity and Women.

Goal/Indicator	Base Data (1)	2000 Target	2000 Data (2)	Min.	Max.	Comment
<b>A. HEALTH, NUTRITION &amp; ENVIRONMENT RIGHTS</b>						
<b>GOAL A.1: Reduction of infant and under-five child mortality rates by one-third or to 50 and 70 per ve births respectively, whichever is less</b>						
1. Under-five Mortality Rate	53 (88)	35	26.0	18 (Orange Walk)	33 (Stann Creek)	Goal met, nationally and by district.
2. Infant Mortality Rate	11 (90)	7	21.2	6 (Corozal)	31 (Stann Creek)	Goal not met, nationally or by district (except one). Rate has been increasing. (1990 the lowest rate.)
<b>GOAL A.2: Reduction of maternal mortality rate per 100,000 live births by half</b>						
3. Maternal Mortality Rate	190 (90)	95	60	Goal met, but the actual data are very small and subject to fluctuation. District data too small.		
<b>GOAL A.3: Reduction of severe and moderate malnutrition among under-five children by half</b>						
4. Underweight prevalence						Data from census of 6-9 year olds. Anecdotal reports from medical staff indicate numerous cases of malnutrition among under-5 year olds
5. Stunting prevalence			15.4% (96)	4% (Belize)	39% (Toledo)	
6. Wasting prevalence						
<b>GOAL A.4: Reduce Iron Deficiency Anaemia in women by one-third</b>						
7. Anaemia: non-pregnant women						
8. Anaemia: pregnant women	40.2% (89)	27%	52% (99)	No progress (probable deterioration). Data relate only to women who attend Prenatal Clinic and are tested (not all women who attend Clinic are screened).		
<b>GOAL A.5: Virtual elimination of iodine deficiency disorders</b>						
9. Iodised salt consumption				Previously thought to not be a problem, as 80% of imported salt was iodised. However, there is now a belief that this percentage has declined.		
10. Low urinary iodine						

TABLE (continued)

Goal/Indicator	Base Data (1)	2000 Target	2000 Data (2)	Min.	Max.	Comment
<i>GOAL A.6: Virtual elimination of Vitamin A deficiency and its consequences, including blindness</i>						
11. Children receiving Vitamin A supplements						Vitamin A supplementation program began through MCH Clinics in October 1999.
12. Mothers receiving Vitamin A supplements						Vitamin A supplementation program began through MCH Clinics in October 1999.
13. Low Vitamin A	55% (89)					
<i>GOAL A.7: Universal access to safe drinking water; 25% reduction in the proportion of the population without to safe drinking water</i>						
14. Use of safe drinking water: urban/rural	71% (90)	96%/63%	91% (99)	82% (rural)	100% (urban)	Goals met, but doubt over whether water quality meets required standards, due to the definition.
<i>GOAL A.8: Universal access to hygienic means of excreta disposal; 17% reduction in the proportion of the on without access to basic sanitation</i>						
15. Use of sanitary means of excreta disposal: urban/rural	59%/21% (90)	66%/34%	71%/25% (99)	14% (Cayo)		Met overall, but not met in rural areas.
<i>GOAL A.9: Eradication of poliomyelitis</i>						
16. Polio cases	na	na	na			Eradicated before the 1990s.
<i>GOAL A.10: Elimination of neonatal tetanus</i>						
17. Neonatal tetanus cases	0	na	0			Goal met
<i>GOAL A.11: Reduction by 95% in measles deaths, and reduction by 90% in measles cases (compared with unisation levels)</i>						
18. Under-five deaths from measles	0	0	0			Goal met
19. Under-five Measles cases	7	6	0			Goal met
<i>GOAL A.12: Maintenance of a high level of immunisation coverage (at least 90% of children aged under one 2000) against diphtheria, whooping cough, tetanus, measles, poliomyelitis, tuberculosis and against tetanus en of child-bearing age</i>						
20. DPT	85%	90%	91%			Goal met
21. Measles (MMR)	80%	90%	96%			Goal met
22. Polio	82%	90%	91%			Goal met
23. Tuberculosis	85%	90%	91%			Goal met
24. Children protected against neonatal tetanus		90%				Pregnant women are routinely administered vaccine.

TABLE (continued)

Goal/Indicator	Base Data (1)	2000 Target	2000 Data (2)	Min.	Max.	Comment
<i>GOAL A.13: Reduce deaths from Acute Diarrhoea Disease by 50% in children under-5 years</i>						
25. Diarrhoea cases, number of episodes per child				Although the data are not compiled in the manner needed, other statistics indicate that gastro-enteritis is the leading cause of death in 1-4 year olds. The number of cases in 1998 was one and a half times that of the previous year, but this could be partly due to improved data collection. There are indications that ORT given or recommended by nurses has increased.		
26. ORT use	44% (of <5yr olds)		97% (99) (of cases MCH aware of)			
27. Home management of Diarrhoea						
<i>GOAL A.14: Reduce deaths from Acute Respiratory Infections by 25% in children aged under 5 years</i>						
28. Care-seeking for Respiratory Infections	40.3%		65.9% (99)	62% (urban)	68% (rural)	Data relate to treatment in clinic/hospital
<i>GOAL A.15: Provide all couples with access to information, education, communication and services to prevent pregnancies that are too early, too closely spaced, too late or too numerous</i>						
29. Contraceptive prevalence	33.5% (47% in union)		47% (56% in union) (99)			
30. Total Fertility Rate	4.5		3.7 (99)		192 (20-24yrs)	
<i>GOAL A.16: Provide pregnant women with access to prenatal care, trained attendants during childbirth, and care and attention in cases of high-risk pregnancies and obstetric emergencies</i>						
31. Antenatal Care	40.3%		50.3% (99)	25% (Maya)	65% (Creole)	BFHS 91 & 99 Approximately ¾ of births are being attended to by skilled personnel. Although there was not much improvement over the decade, the recent upgrading of services at the district level should have an impact in the near future.
32. Childbirth Care (Newborn checkup)	58%		76% (99)	46% (Maya)	92% (Creole)	
33. Obstetric Care per 500,000 comprehensive basic			10.5 18.9			
34. Caesarian deliveries			10% (98)			Relates to recorded hospital births

TABLE (continued)

Goal/Indicator	Base Data (1)	2000 Target	2000 Data (2)	Min.	Max.	Comment
<i>GOAL A.17: Reduction of the low birth weight (less than 2.5kg) rate to less than 10%</i>						
35. Birth weight below 2.5kg	4% (96)		2% (99)			Goal met
<i>GOAL A.18: Ensure exclusive breast-feeding during the first six months of life, and to continue breastfeeding, complementary food, up to the second year</i>						
36. Exclusive breastfeeding rate <4mths <6mths	23.7%		(99) 24.2			
37. Timely complementary feeding rate	41.2%					
38. Continued breastfeeding rate 12-17mths 18-23mths	35.8% 22.3%		(99) 44.5%	34% (urb)	54% (rur)	99 data: 15-18mths
39. Number of mother-friendly facilities						
<i>GOAL A.19: Undertake universal promotion of child growth and psychosocial development in children under of age, with a focus on both malnutrition and obesity</i>						
40. Growth chart coverage						Comprehensive coverage with introduction of revised Care and Growth Charts in 1999
41. Growth monitoring coverage						
42. Obesity						
<i>GOAL A.20: Ensure access of parents to relevant information about child rearing, child and adolescent parent, and a healthy family life</i>						
No Indicators defined	COMPAR, NOPCA, Women's Dept., BFLA provide some training, mostly on an <i>ad hoc</i> basis.					
<i>GOAL A.21: Develop prevention programs to reduce the incidence of disability in girl and boy children, and permit the routine evaluation and diagnosis of physical and mental illness in early childhood</i>						
43. Disability screening						
44. Total Child Disability Rate						



<i>GOAL A.22: Ensure universal access to information, education, communication, and to the appropriate for the prevention and control of infection from HIV/AIDS, STDs, and their consequences</i>			
45. Knowledge of preventing HIV/AIDS	99 data	That virus is transmitted by: male sexual intercourse: 48%M / 26%F heterosexual intercourse: 88%M / 89%F	Other: blood transfusion: 55%M / 52%F sharing needles: 54%M / 48%F
46. Knowledge of misconceptions of HIV/AIDS	99 data	That virus is transmitted by: giving blood: 29%M / 21%F insect bite: 15%M / 3%F	Other: shake hands/hug: 9%M / <1%F in room with AIDS person: 9M / <2%F sharing personal items: 12%M / 4%F

Goal/Indicator	Base Data (1)	2000 Target	2000 Data (2)	Min.	Max.	Comment
47. Knowledge of mother to child transmission of HIV						
48. Attitude to people with HIV/AIDS						
49. Women who know where to be tested for HIV						
50. Women who have been tested for HIV						
51. Attitude toward condom use	/84%F /16%F /2%F	aware have used are using	97%M/ 95%F 73%M/ 45%F 45%M/ 15%F	(99 data)		Data for those who perceive themselves at risk of getting HIV
52. Adolescent sexual behaviour		aware have used are using	99%M/ 93%F 63%M/ 26%F 49%M/ 19%F	(99 data)		Above data (51.) for 15-19 year olds
<i>GOAL A.23: Provide integrated care to 50% of children under 5 years who require care for childhood illnesses</i>						
53. Home management of illness						
54. Care seeking knowledge						
55. Bednets						
56. Malaria treatment						
<i>GOAL A.24: Promote food safety for all households, implying universal access to households of culturally adequate nutrition food in adequate quantities</i>						
No indicators defined	The malnutrition indicators (Goal A.3) will serve for reporting purposes.					
<i>GOAL A.25: Encourage action on environmental conservation as set forth in the UN Conference on Environment and Development, promoting education and awareness-raising activities for different sectors of society</i>						
No indicators defined	Activities in this area have been undertaken by the Dept of Environment, Coastal Zone Management Program, CSO, Census questionnaire					

<b>B. RIGHT TO EDUCATION</b>						
<b>GOAL B.1: Reduction of adult illiteracy, with emphasis on female literacy</b>						
57. Literacy rate	70.3%		75.1% (96)			'Official' rate is 92%. CSO is to undertake detailed analysis of 2000 Census data (est. in 'low 70s')
<b>GOAL B.2: Expand early childhood development activities, including low-cost interventions among families and communities</b>						
58. Preschool development	23.9% (91/92)		27.5%	4.5% (Toledo)	60.4% (Belize)	Pre-school coverage remains low, unaffordable, variations in geographic access
<b>GOAL B.3:</b>						
<ul style="list-style-type: none"> <li>• Universal access to basic education and full primary education for at least 80% of children of school age through either formal or non-formal education that provides equal standard of learning and puts emphasis on reducing disparities between girls and boys;</li> <li>• Universal access to primary education in equal terms from the viewpoints of gender, geographic location, ethnic, socio-economic background and special needs groups</li> </ul>						
59. Children reaching grade 5	71% (90/91)		84% (98/99)			Concern increases over dropout and completion rates
60. Net primary school enrolment ratio	90% (90/91)		95% (01/02)			
61. Net primary school attendance rate						
62. Proportion entering school	87.8% (91/92)		82.3% (98/99)			
<b>Goal/Indicator</b>	<b>Base Data (1)</b>	<b>2000 Target</b>	<b>2000 Data (2)</b>	<b>Min.</b>	<b>Max.</b>	<b>Comment</b>
<b>GOAL B.4: Improve the access by individuals and families to the acquisition of knowledge, skills and values to enhance their life quality, and make them available through all educational channels, including the mass media, traditional and modern means of communication and social action, with effectiveness measured in terms of the reduction of behavioural patterns</b>						
No indicators defined						
<b>C. CHILD PROTECTION RIGHTS</b>						
<b>GOAL C.1:</b>						
<ul style="list-style-type: none"> <li>• Provide improved protection of children in especially difficult circumstances and tackle the root causes leading to such situations;</li> <li>• Promote programs, projects or specific activities aimed at enforcing the civic rights of children as set forth in the CRC</li> </ul>						
63. Child Labour						Belize became party to a number of applicable ILO conventions in 1999 and 2000. Current studies of child labour will inform public policy and law reform.
64. Exploitative Child Labour						

65. CRC and Legislation				<i>Families &amp; Children Act 1998</i> , 1999 Amendments and amendments to the <i>Criminal Code</i> . There is no systematic evaluation of new laws to ensure compliance with CRC.
66. Juvenile & Family Courts				
67. Juvenile incarceration	1.4% (90)		3.9% (98)	Under 16 year olds as % of prison population
68. Child abuse (annual average)	201 (95-98 ave.)		586 (99-01 ave.)	Referrals to FSD for abuse or neglect; reporting mandatory since 1999: regulations amending the <i>Families &amp; Children Act 1998</i>
69. Land Mine Conventions	na		na	
GOAL C.2: Ensure the immediate registration of boys and girls upon their birth to guarantee their right to have a nationality, to know who their parents are, and to be taken care of; guarantee and facilitate the registrative process for the immediate registration of the birth of all boys and girls in the Civil Registries in all				
70. Birth Registration			50% (est.)	
71. Children's living arrangements				
72. Orphans in household; orphans in institutions				
<b>D. GENDER EQUITY &amp; WOMEN</b>				
GOAL D.1: Ensure that the implementation of gender indicators are available in national statistics, including the appropriate recording of cases of child abuse and violence against women and girls, rape, incest and sexual harassment, and quantitative records of household work				
73. Reporting violence against women	1992: Domestic Violence Act 1996: Sexual Harassment Act 1999: amendment to <i>Criminal Code</i> to include marital rape			National Plan of Action re Violence has been developed (multi-sectoral approach); education & training; systematisation of reporting
GOAL D.2: Ratify the Inter-American Convention to Prevent, Sanction and Eradicate Violence Against Women (Belem Do Para, Brazil 1994) and ensure its dissemination and compliance				
74. Ratification of Belem Convention	Ratified 1996		Belize is compliant with the Convention	
GOAL D.3: Contribute to providing assistance and support to victims of domestic violence, rape, sexual harassment and incest in all urban centres, through confidential programs for the different age groups, in collaboration with NGOs that address women and youth-related issues				
No indicators defined				Haven House, and counselling services by FSD & Women's Dept
GOAL D.4: Provide counselling and integrated care to all adolescent mothers and ensure their continuing education and development				
No indicators defined				Skills training offered by various organisations

<i>GOAL D.5: Give priority to poor women in programs such as loan and training programs designed to reduce and eradicate poverty</i>		
No indicators defined		Women's Dept monitors Small Farmers Bank, National Development Foundation, Development Finance Corporation. 35% of SFB loans go to women
<i>GOAL D.6: Develop programs to increase men's equitable participation in family life and in the rearing and education of children</i>		
No indicators defined		Masculinity Workshop and other training provided by Women's Dept
<i>GOAL D.7: Review and update national policies on women, and strengthen national institutions for the advancement of women and the adoption of a gender perspective in development</i>		
75. CEDAW and Legislation		Gender Mainstreaming Strategies are being developed; Women's Commission developed a National Gender Policy (2002)
<i>GOAL D.8: Promote the establishment of programs designed to meet the special needs of adolescents</i>		
No indicators defined		

na data not applicable

- Notes: 1. Base Data are for 1991, unless otherwise specified.  
2. 2000 Data are for 2000, unless otherwise specified.

## ATTACHMENT D

### LEGISLATIVE AMENDMENTS SINCE INITIAL REPORT

1997	No relevant legislation adopted	
1998	Belizean Nationality (Amendment) Act	Provides for the amendment of a certificate of citizenship by registration to include the names of minor children of the applicant, and that a child who attains 18 years may apply for citizenship irrespective of the residency requirements applicable to the parent
	Immigration (Amendment) Act	Provides that persons who entered Belize as minors and continuously resided in Belize for at least 10 years are eligible to apply for permanent residency
	Law Reform (Miscellaneous Provisions) Act	Reforms and consolidates the law relating to families and children, to provide for the care, protection and maintenance of children, to make provision with respect to the fostering and adoption of children, and to repeal the <i>Adoption of Children Act</i> , the <i>Family Maintenance Act</i> , the <i>Infants Act</i> , the <i>Status of Children Act</i> , the <i>Children Born out of Wedlock Act</i> and the <i>Legitimacy Act</i> <i>Inter alia</i> , repeals attempted suicide as an offence in the <i>Criminal Code</i> ; amends the <i>Indictable Procedures Act</i> by imposing life imprisonment on those aged under 18 years at the time of committing an offence otherwise punishable by a sentence of death; amends the <i>Evidence Act</i> so that, in rape trials, a woman victim's "generally immoral character" may no longer be introduced as evidence, but that the "sexual experience of a complainant with a person other than the defendant" may only be raised in trial with the leave of the judge; and empowers senior police officers to apply to a magistrate for a 'sex offender order' to be granted for at least 5 years against a person previously convicted of a sex offence (or found not guilty by reason of insanity or disability), who has subsequently acted in a way to give reasonable cause to believe there is a possible risk
1999	Families and Children (Amendment) Act	Requires employers who employ illegal immigrants to pay the cost of repatriation of such persons Provides for the establishment of the National Committee for Families and Children, and its functions and terms of reference
	Married Persons (Protection) (Amendment) Act	Removes provision that orders to a married woman re custody or maintenance may be denied if she has committed adultery,

		and removes adultery by a woman as grounds for discharging an order (leaving just the ground of resumption of cohabitation with the husband)
	Criminal Code (Amendment) Act	Increases the age of criminal responsibility from 7 years to 9 years; provides for the offence of marital rape; rationalises the penalties for the offence of carnal knowledge of a female child; provides for a mandatory sentence of life imprisonment for habitual sex offenders; makes special provisions for the treatment and reporting of sex offenders; and provides for imprisonment with labour
	International Labour Organisation Conventions Act	Provides that ILO Conventions ratified by Belize shall have the force of law in Belize, and that, where there is a conflict with the <i>Labour Act</i> , the present Act shall prevail
	Families and Children (Child Abuse) (Reporting) Regulations	Provided for the mandatory reporting of suspected cases of child abuse and child sexual abuse, the child's placement (where deemed necessary) into protective custody, associated procedures for investigating and reporting, and the initiation of criminal proceedings against alleged perpetrators
	Families and Children (Protection of Children) (Belize City) Regulations	Established a curfew between the hours of 8pm and 6am in Belize, for children aged under 16 years, provided for (where deemed necessary) the child's placement into protective custody, and associated reporting and investigatory provisions
2000	Registration of Births and Deaths (Amendment) Act	Strengthens provisions for district-level registration and increases penalties for non-compliance, including for the failure of a person required to notify a birth or death to do so (generally for a birth, the parent)
	Family Courts (Amendment) Act	Changes the status of the Family Court to that of a Magistrates Court, and appoints a Director of the Family Court, under the Chief Justice's supervision, "responsible for the day-to-day administration of the Courts, the supervision of the social welfare staff, the integration of legal and social services and the development of general policy guidelines in respect of all matters relating to the Courts"
	Non-Governmental Organisations Act	Provides for the establishment and registration of Non-Governmental Organisations, regulates their operations to create transparency and accountability, and specifies minimum standards which must be observed by all registered NGOs

	Law Revisions (Miscellaneous Amendments) Act	Amends <i>Interpretations Act</i> and consequential amendments to other laws; renumbers the Chapter numbers of all Laws of Belize
2001	Social Security (Amendment) Act	Provides for a National Health Insurance Scheme and expands the composition of the Social Security Board
	Penal System Reform (Alternative Sentences) Act	Provides for the establishment of a Community Rehabilitation Department, enlarges the powers of courts to pass non-custodial sentences, and lays down sentencing options to be observed by criminal courts
	Criminal Code (Amendment) Act	Provides for the offence of deliberately or recklessly spreading HIV/AIDS, and associated penalties
2002	No relevant legislation adopted	(to 30 September 2002)



**ATTACHMENT E**

**FAMILIES AND CHILDREN ACT, 1998**

**FIRST SCHEDULE (SECTION 3)**

**GUIDING PRINCIPLES IN THE IMPLEMENTATION OF THE ACT**

- |                        |  |
|------------------------|--|
| Welfare principle      | 1) Whenever the state, a court, a Government agency or any person determines any question with respect to –<br><br>(a) the upbringing of a child; or<br>(b) the administration of a child's property or the application of any income arising from it;<br><br>the child's welfare shall be the paramount consideration.  |
| Time to be of essence  | 2) In all matters relating to a child, whether before a court of law or before any other person, regard shall be had to the general principle that any delay in determining the question is likely to be prejudicial to the welfare of the child.  |
| Criteria for decisions | 3) In determining any question relating to circumstances set out in subparagraphs (a) and (b) of paragraph 1, the court or any other person shall have regard in particular to-<br><br>(a) the ascertainable wishes and feelings of the child concerned considered in the light of his or her age and understanding;<br>(b) the child's physical, emotional and educational needs;<br>(c) the likely effects of any changes in the child's circumstances;<br>(d) the child's age, sex, background and any other circumstances relevant in the matter;<br>(e) any harm that the child has suffered or is at the risk of suffering;<br>(f) where relevant, the capacity of the child's parents, guardians or others involved in the care of the child in meeting his or her needs. |
| Rights of the child    | 4) A child shall have the right –<br><br>(a) to leisure which is not morally harmful and the right to participate in sports and positive cultural and artistic activities;<br>(b) to a just call on any social amenities or other resources available in any situation of armed conflict or natural or man-made disasters;<br>(c) to exercise, in addition to all the rights stated in this Schedule and the Act, all the rights set out in the U.N. Convention on the Rights of the Child with appropriate modifications to suit the circumstances in Belize, that are not specifically mentioned in the Act or in this Schedule.   |

**ATTACHMENT F**

**SUMMARY OF RECOMMENDATIONS MADE BY COMMITTEE ON THE RIGHTS OF THE CHILD IN ITS CONCLUDING OBSERVATIONS ON BELIZE'S INITIAL REPORT**

Para	Recommendation	Comment
7	Undertake a review of domestic legislation to ensure full conformity with CRC principles and provisions	A legislative review was conducted by NCFC and resulted in the <i>Families and Children Act 1998</i>
7	Consider the possibility of enacting a comprehensive code for children	Has not, to date, been considered
8	Consider the possibility of acceding to the International Covenant on Economic, Social and Cultural Rights	Signed 6 September 2000
8	Consider the possibility of acceding to the International Convention on the Elimination of All Forms of Racial Discrimination	Ratified 14 November 2001
9	Seek to use a comprehensive approach to the implementation of CRC by, <i>inter alia</i> , ensuring the introduction of measures at the local level to promote and protect children's rights	Now being addressed by NCFC and its partners
9	Take further steps to strengthen efforts to coordinate through the NCFC, particularly at the local level	Now being addressed by NCFC and its partners
9	Implement the National Plan of Action for Children and the National Plan of Action for Human Development	Replaced by the National Human Development Report
10	Review the system of data collection with a view to incorporating all the areas covered by CRC, with special emphasis on those who are particularly vulnerable	Being pursued through the recently reconstituted Social Indicators Committee
11	Make an independent child-friendly mechanism accessible to children to deal with complaints of violations of their rights and to provide remedies for such violations	Ombudsman post established July 1999, capacity to investigate complaints initiated from public or self-initiated; more comprehensive measures could be considered in context of deliberations on a Children's Code
11	Introduce an awareness raising campaign to facilitate the effective use by children of such a mechanism	Needs specific resourcing of Ombudsman's Office and/or relevant NGOs (eg. NOPCA, HRCB)

TABLE (continued)

Para	Recommendation	Comment
12	Pay attention to the full implementation of article 4 of the CRC by prioritising budgetary allocations to ensure implementation of the economic, social and cultural rights of children	Comes within the role of NHDAC; needs joint collaboration with NCFC
13	Make greater effort to ensure that CRC provisions are widely known and understood by adults and children alike, residing in both rural and urban areas	This is ongoing and being coordinated by NCFC
13	Continue efforts to make the CRC available, including through oral popular forms, in all minority and indigenous languages	Needs attention, especially in popular form, by NCFC
13	Reinforce adequate and systematic training and/or sensitisation of professional groups working with and for children	The introduction in 1999 of COMPAR has been a major boost to the ongoing training activities of relevant public and nongovernmental agencies
13	Seek measures to raise the awareness of the media and the public at large on the rights of the child	The media are regularly appraised on the rights of the child; evidence of stronger media awareness and interest
13	Seek to ensure that the CRC is fully integrated into the curricula at all levels of the educational system	Included in primary school curriculum, with teacher training, and now extending to secondary schools
14	Review legislation in order to bring it into conformity with CRC provisions (including the low minimum legal age for marriage and the prohibition on young people to pursue medical and legal counselling without parental consent)	Still outstanding; needs to also include attention to including boys within the protective provisions of laws dealing with sexual abuse – could be incorporated in consideration of a Children's Code
14	Set a legal minimum age for conscription at 18 years	This is not considered to be a likely problem, but the <i>Defence Act</i> should be reviewed for possible amendment
15	Take further efforts to ensure that CRC principles not only guide policy discussion and decision-making, but are also appropriately integrated in all legal revisions, judicial and administrative decisions, and projects, programs and services	Following the <i>Families and Children Act</i> , effort has been made to integrate these principles in the judicial area, and in administrative decisions in projects and programs impacting children; subsequent experience suggests the need for further efforts, which could be incorporated in consideration of Children's Code

TABLE (continued)

Para	Recommendation	Comment
16	Increase efforts to ensure implementation of the principle of non-discrimination and full compliance with article 2, particularly relating to vulnerable groups of children	Could be incorporated in consideration of Children's Code
17	Seek to develop a systematic approach to increasing public awareness of the participatory rights of children and encourage respect for the views of the child within the family and the care and judicial systems	The NCFC has worked with relevant agencies, such as schools, to promote these issues, and this needs to be a recurrent focus of its attention (embrace of a systematic approach)
18	Undertake legislative reform to ensure that fathers are also made responsible for the registration of their children and that children born out of wedlock are guaranteed their right to preservation of identity, name and family relations	Some of these were incorporated in the <i>Families and Children Act</i> , as well as in other legislation, such as amendments to the <i>Administration of Estate Act</i>
18	Take necessary measures to ensure that birth registration is made accessible to all children	Vital Statistics Office adopting some measures in 2002
18	Seek to implement the proposed introduction of the mobile birth registration program, and additional district facilities to reach families in remote rural communities	This is an outstanding issue, although some attempt has been made to establish additional registration facilities in remote areas
18	Increase efforts to raise awareness among government officers, community leaders and parents to ensure that all children are registered at birth	Vital Statistics Office adopting some measures in 2002
18	Adopt measures to regularise the situation of immigrant children and provide them with documentation to guarantee their rights and facilitate their access to basic services	In 1999, the Government held an Amnesty Program for all immigrants which gave them the opportunity to regularise their legal status (although many children remain undocumented)
19	Take all appropriate measures, including legislative, to prohibit corporal punishment within school, the family, the juvenile justice and alternative care systems and generally within society	The Education Rules inadequately apply the legislation re schools; entrenched resistance to perceiving corporal punishment as cruel, abusive or inappropriate

TABLE (continued)

Para	Recommendation	Comment
19	Conduct awareness raising campaigns to ensure that alternative forms of discipline are administered in a manner consistent with the child's human dignity and the CRC, especially article 28.2	A number of NGOs and government agencies providing support for children (such as NOPCA, NCFC) are pursuing this, including promoting alternatives amongst teachers and parents
20	Increase efforts in providing support, including training, for parents, especially fathers, to discourage the abandonment of children	Government and non-government agencies (such as NOPCA, NCFC, DHS) are providing these types of support
20	Develop additional programs to facilitate alternative care, including foster care, provide additional training for social and welfare workers and establish independent complaint and monitoring mechanisms for alternative care institutions	Measures have been taken to further promote fostering, FSD regularly reviews institutional placement, and an Inspector of Social Service Agencies has been appointed
21	Take all necessary measures, including implementation of proper monitoring procedures, to prevent the abuse of the practice of informal adoption	DHS has strengthened the adoption process and reduced the incidence of informal adoptions, reinforced by provisions in the <i>Families and Children Act</i> (which repeals and replaces the <i>Adoption of Children Act</i> ); nevertheless, the practice continues and needs further action
21	Consider the possibility of acceding to the 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption	Cabinet papers have been prepared with assistance from Belize's UN Mission in New York
22	Undertake studies on domestic violence, ill-treatment and sexual abuse in order to adopt adequate measures and policies and contribute to changing traditional attitudes	This needs examination, in the wake of specific measures which have been taken to strengthen implementation of domestic violence and sexual abuse laws
22	Properly investigate cases of domestic violence, ill-treatment and sexual abuse of children within child-friendly judicial procedures, sanctions applied to perpetrators and publicity given to decisions taken in such cases, with due regard to protecting the child's right to privacy	The Family Court has adopted and implemented child-friendly judicial procedures, and the media generally have protected the right of privacy of child victims; however concerns remain about reporting, prosecution and sanctions that need review, especially within magistrates courts and measures to devolve some roles from FSD

TABLE (continued)

22	Take measures to ensure the physical and psychological recovery and social reintegration of victims in accordance with CRC article 39, and the prevention of criminalisation and stigmatisation of victims	This still needs attention
22	Introduce the proposed legislation which makes the reporting of child abuse mandatory and undertake legal reform to ensure that boys are protected	These provisions have been implemented through Statutory Instruments
23	Undertake studies on play involving mother and child interaction with a view to developing adequate programs and policies	This still needs attention
24	Develop comprehensive policies and programs to reduce the incidence of child and infant mortality, to promote and improve breast feeding practices, to prevent and combat malnutrition, especially in vulnerable and disadvantaged groups of children	There have been marked improvements in child and infant mortality due to more comprehensive services, which need to be maintained; a national breastfeeding policy was adopted in 1998 but implementation has been problematic
24	Consider technical assistance for the Integrated Management of Childhood Illnesses and other measures for child health improvement	The MCH Unit has introduced reforms which have markedly improved management and monitoring of child health
25	Increase efforts in promoting adolescent health policies and strengthening reproductive health education and counselling services	Apart from MoH, BFLA is actively pursuing such initiatives; surveys suggest improved adolescent awareness and practice
25	Undertake a comprehensive and multidisciplinary study on the scope of adolescent health problems, including the special situation of children infected with, affected by or vulnerable to HIV/AIDS and STDs	There have been studies on HIV/AIDS, including with respect to children, legislative changes, new protocols adopted; however, there remain grave concerns about growth of mother-to-child transmission and rapid rate of infection of women
25	Undertake measures, including the allocation of adequate human and financial resources, to develop youth-friendly care and rehabilitation facilities for adolescents	GOB has established the National Youth Cadet Corps, and the Community Rehabilitation Department to address the need for further such measures; there are serious concerns about current resource capacity and implementation

TABLE (continued)

Para	Recommendation	Comment
26	Develop early identification programs to prevent disabilities, increase efforts to implement alternatives to the institutionalisation of children with disabilities, establish special education programs for children with disabilities	GOB's decision to divest its Disability Services Division has meant discontinuation of its regular screening of infants; MoE has established measures for alternatives to institutionalisation and special education programs
26	Seek technical cooperation for the training of professional staff working with and for children with disabilities	MoE has trained educational personnel, otherwise (since closure of DSD) currently pending outcomes of 'divestment' policy
27	Take all appropriate measures to improve the quality of education and to provide access for all children	Refer MoE's 1998-2003 Education Policy and its new national curriculum
27	Seek to implement additional measures to encourage children to stay in school, particularly during the period of compulsory education	Limited progress has been made by MoE, for example, in replacing the Truancy Program with School-Community Liaison Officers
27	Seek to ensure the child's right to rest and leisure and to engage in play and recreational activities	Within schools, SHAPES has set physical education within the primary curriculum, and established programs with the Sports Council
27	Review educational policies and programs with a view to ensuring that they adequately reflect the multicultural and ethnic diversity of the population	This is an integral part of MoE's 1998-2003 Education Policy
28	Introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation	Some measures have been taken by the Ministry of Labour, but needs more concerted attention
28	Undertake a study on the situation of children engaged in hazardous work, especially those employed in the banana industry	This still needs to be addressed (some work is being done in the sugar belt)
28	Consider ratifying ILO Convention No. 138 concerning Minimum Age for Admission to Employment	Ratified on 6 March 2000

TABLE (continued)

Para	Recommendation	Comment
29	Take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from illicit use of narcotic drugs and psychotropic substances and to prevent use of children in their illicit production and trafficking	NDACC is involved in educational and preventative work with children in schools, especially since 1990: drug education integrated into school curriculum, training of liaison officers in each school, work with parents, etc
29	Support rehabilitation programs dealing with children victims of drug and substance abuse	Little progress made; NDACC opened drop-in centre for youth (January 2002), introducing programs with prisoners in 2002
30	Take additional steps to reform the juvenile justice system in the spirit of the CRC, in particular articles 37, 40 and 39, and other UN standards in this field	New Act enacted during 2002, CRD established, as specific measures to implement reform of juvenile justice system
30	Direct attention to considering deprivation of liberty only as a measure of last resort and for the shortest possible period of time, protecting the rights of children deprived of their liberty, and ensuring that children remain in contact with their families while in the juvenile justice system	These are being addressed by CRD, in collaboration with the courts and prison system, and via implementation of community service orders
30	Organise training programs on relevant international standards for all those professionals involved with the system of juvenile justice	Being addressed by CRD, in context of implementation of community service orders
30	Increase the legal minimum age for criminal responsibility and ensure legislative conformity with CRC in this regard	The law has been amended, and the minimum age of criminal responsibility raised to 9 years
31	Make the Initial Report and written replies widely available to the public, and consider publication of the report, along with relevant summary records and the concluding observations adopted by the Committee on the Rights of the Child	This was not done with respect to the Committee's concluding observations