

## INTRODUCTION

### THIS REPORT

The eleven NGOs submitting this report to the UN Committee on the Rights of the Child are mostly small, with few staff and fluctuating funding<sup>1</sup>. They have seen this as an important opportunity to work together in the interests of the children of Belize, to increase their understanding of the CRC and to consider their work more specifically within the framework of the CRC. Our key recommendations precede this part of the report.

The report is a snapshot, to portray part of the reality of life for children and adolescents in Belize as the result of the practical implementation, or lack of implementation, of the CRC in Belize since 1999. It is based on many years of NGO experience working with children and adolescents in specific fields and on the concluding observations of the Committee in 1999. It describes what progress has or has not been made in the areas highlighted by the Committee at that time and in other areas. It refers to the state's first periodic report where necessary, but is not a detailed commentary on it. It comments on government action or inaction and also describes some of the work NGOs do. It has gaps, but, most importantly, it includes the voices and experiences of children and adolescents through quotes and case studies. The terms 'children and adolescents' refer to those under 18, and the term 'children' to those up to about 10 or 12.

The report is primarily written for the UN Committee in response to Article 44 of the CRC. We hope that it will also be useful to all others who care about and work for children and adolescents in Belize.

### BELIZE BACKGROUND

Belize is historically part of the Caribbean and geographically part of Central America. It is a member of the OAS, the Commonwealth, CARICOM and CIECA. Independent since 1981, it has the Westminster parliamentary system of democracy. It is a small country of approximately 265,000 people (2002) of which 47.7% are under 18, 37.2% under 15, 28% under 9 and 14.4% under 5. About half the population is female and about half lives in rural areas. 33.5% live in poverty, with 10.8% living in abject poverty, of which children are the most vulnerable.

Belize's population is multi-ethnic, multi-lingual and multi-cultural. Mestizos are the largest ethnic group (about 48%), followed by Creoles (25%), Maya (11%) and Garinagu (6%). Others are the Mennonites, East Indians, Chinese and Taiwanese. Although English is Belize's official language, half the population is Spanish-speaking and English is not the mother tongue of any ethnic group. Most children learn English when they enter the formal school system at the preschool or primary school levels.

Some aspects of life here warrant a note for the Committee's attention.

- Belize has the highest incidence of HIV/AIDS in Central America.
- The unresolved state of conflict with Guatemala overshadows the security of the nation. In early 2004, the Guatemalan President rejected outright the 2002 proposals to settle the territorial differendum negotiated by a bilateral team under the auspices of the OAS and two international facilitators. International efforts support confidence-building measures in an effort to maintain peace; the current agreement expires at the end of June.
- Belize has suffered three hurricane emergencies in the last 6 years, two of which hit Belize, in 2000 and 2001. Their effects continue to be felt.
- Violence is a growing and multi-faceted concern. Public outcry is about street homicides (42 so far in 2004) and gun violence but the silence is only beginning to be broken about domestic violence against women and to a very limited extent about domestic and institutional violence against children. Militarisation of the police force blurs the line between a military presence on the streets and civilian law enforcement. Increasing numbers of shootings by police and prison officers either kill or injure their targets, including minors. Some could be considered extrajudicial executions.
- Belize has the 7<sup>th</sup> highest per capita prison population in the world, the highest in Central America (6 ½ times higher than Guatemala) and the 2<sup>nd</sup> highest in the Caribbean.

<sup>1</sup> See appendix I for more information about the 11 NGOs

## I. GENERAL MEASURES OF IMPLEMENTATION

*Article 4: All legislative, administrative and other measures to be taken re Convention*

*Article 42: Convention's principles and provisions to be made widely known*

*Article 44. 6: State reports to be made widely available to public in Belize*

*Optional Protocols to the Convention*

### International agreements

*Committee recommendation in 1999: ratify ICESCR, CERD and the Hague Convention on Intercountry Adoption*

Belize has, since 1999, among others (see state report):

- Signed the *International Covenant on Economic, Social and Cultural Rights* (6 Sep 2000).
- Ratified the *Convention on the Elimination of All Forms of Racial Discrimination* (14 Nov 2001).
- Acceded to the UN Convention against Transnational Crime and its Protocol to prevent, suppress and punish trafficking in persons, especially women and children (26 September 2003).
- Not ratified the 1993 *Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption*.
- Committed itself to meeting the World Summit Goals for Children, the Dakar Education for All Goals and the Millennium Development Goals respectively and, in 2002, signed the UNGASS "A World Fit for Children".

It has also:

- Ratified the *CRC Optional Protocol on the involvement of children in armed conflict* (with declaration) and *Optional Protocol on the sale of children, child prostitution and child pornography* (1 Dec 2003)
- Acceded to the *Optional Protocol to CEDAW* (9 Dec 2002)
- Acceded to and, as a result, helped to bring into force the *International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families* (14 November 2001)
- Ratified the *Rome Statute of the International Criminal Court* (5 April 2000) (with reservation)
- Still not submitted to the UN a core document for use by treaty bodies.

### Reservations and Declarations

Optional Protocol on the involvement of children in armed conflict declaration lowers the legal age for voluntary recruitment from 18 (Defence Act s.16.2) to 16, possibly in contravention of Articles 3 and 5.

### Conformity of legislation and practice with the Convention

*Committee recommendation in 1999: review domestic legislation for Convention compliance*

In 2001, the right to basic education and basic health appeared in the Belize Constitution for the first time, if only in the Preamble, which technically does not have the force of law, being a statement of guiding principles. Preamble para (e) now reads (Whereas the people of Belize) "*require policies of state ... which protect the rights of the individual ... to basic education, basic health ...*"

In December 2003, the NCFC published "*Towards Complete Compliance with the Convention on the Rights of the Child: A Review of the Laws of Belize*", concluding that the laws of Belize are broadly compliant with CRC principles but identifying urgent revisions<sup>2</sup> and stressing that institutional reform is necessary to make realistic change. The report lists 26 most urgent amendments. We refer the Committee to this report in its entirety.

In August 2003, the Trafficking in Persons (Prohibition) Act came into force by Statutory Instrument. In April 2004, Statutory Instrument No 78 of 2004 brought into force Social Service Agencies (Operators of residential care facilities) (Registration, Licensing and Minimum Operating Requirements) Regulations 2004. DHS is in the process of finalising a vulnerability study of the child protection system. Several draft amendments to the Families and Children's Act await presentation to and adoption by Cabinet, as does the Integrated Early Childhood Development Policy. The latter states its commitment to upholding the CRC.

Children have very little protection from violence in law, according to research by NOPCAN in 2003 and 2004, as part of a regional study concerning corporal punishment, which also found hardly any references to the CRC in court and administrative judgments and decisions concerning physical abuse of children.

<sup>2</sup> See appendix G

### Children's Code

*Committee 1999 recommendation: consider possibility of enacting a comprehensive code for children.*

The desirability of a comprehensive code for children has been favourably discussed by children's rights workers.

### National strategy for children

*Committee 1999 recommendation: a comprehensive approach to the Convention's implementation by introducing local level measures to promote and protect children's rights; strengthen NCFC coordination at the local level, implement the National Plan of Action for Children and the National Plan of Action for Human Development*

Former Minister of Human Development, Dolores Balderamos Garcia, has been appointed Ambassador for Gender, Women and HIV/AIDS, and is well positioned to advocate for children at government level. Belize is the only country in SIECA without a National Plan for Children and Adolescents (NPA). The NCFC started a new process to develop an NPA before the last election (2003) by obtaining commitments from the political parties that they would adopt an NPA if elected to power. A draft recently approved by a bi-partisan Working Group now awaits consideration by the politicians. Government's focus on creating economic growth is thought to be an obstacle to their speedy commitment to fully funding implementation of the NPA as a priority.

### Mechanisms to coordinate children's policies and monitor implementation of the CRC

*Committee 1999 recommendation: review system of data collection to incorporate all areas of the Convention with specific emphasis on the particularly vulnerable.*

The NCFC, which has two NGO members, heads the Social Indicators Committee which is being revived to produce Belize's first MDG report at the end of 2004. Data concerning children and adolescents are not available from one source and do not readily provide data for an age group to 17, to reflect the CRC. MoH is producing more data now. NCFC is introducing UNICEF's DEVINFO system for better data collection.

### Budgetary allocations

*Committee 1999 recommendation: prioritize budgetary allocations to ensure implementation of children's economic, social and cultural rights*

*The reality: there is no sign of any prioritization and allocations fall short of the recommended 20/20 Initiative.*

It is difficult to gauge the extent to which Belize has met its Article 4 obligations at the macro-level. Government's annual "Estimates of Revenue and Expenditure" do not systematically show allocations to children and adolescents; information is piecemeal. At the micro-level it is clear that budget allocations for children and families are not sufficient. Low pay scales do not attract sufficient numbers of high calibre staff and scarce material resources make it almost impossible for staff to do their job at all, let alone well. Lack of resources for teacher training and teaching/learning materials denies children quality education. State agencies providing direct services to women are under-funded, with no counsellors, small staff, no money to run programmes or to provide women with the tools to empower themselves and improve the wellbeing of their children. State assistance to an eligible child is \$130pa [US\$65], which isn't even enough to send that child to primary school, let alone eat every day.

PAR refers to a study of expenditure on basic social services which found that very few Caribbean countries, including Belize, came close to the 20/20 target set by the World Social Summit and Oslo accords [Henry-Lee & Alleyne 1998; 1999]. Belize's social sector expenditure expressed as a percentage of total government expenditure fell from 36% in 1991/92 to 30% in 2001/02. Whereas expenditure on Education remained at about 19%, that on Health fell from 11%-7%, that on Human Development fell from 1.8% to 0.9%; and that on Housing fell from 2.8% to 1% in 1997/98 and rose to 2.4% by 2001/02. 80% usually goes to recurrent expenditure, with 75% of that going to salaries and remuneration.

### Independent complaints mechanism

*Committee 1999 recommendation: set up, make accessible and publicize an independent child-friendly mechanism complaints and remedies.*

The Office of the Ombudsman is not a National Human Rights Institution in accordance with the Paris Principles, and is under-resourced even to investigate complaints of maladministration. Children do not have direct access to the mechanism, able only to complain through an adult intermediary. NGOs support the recommendation to set up a mechanism such as a Children's Rights Ombudsperson, emphasizing the importance of full and adequate staffing and

resources to operate countrywide and stressing that a mechanism has to be seen to be effective for children to have confidence in it.

### **Measures to make the principles and provisions of the Convention widely known**

*Committee 1999 recommendation ... greater efforts to ensure that provisions of the Convention are widely known and understood by adults and children alike, in both urban and rural areas; adequate and systematic training of all professional groups; fully integrate the Convention into the curricula at all levels*

*The reality: a lot of work has been done with children; less with parents; few professionals have had training in the CRC; the primary school curriculum includes children's rights but delivery is patchy.*

Fourteen years after Belize ratified the CRC and despite the progress made in raising awareness and understanding of the CRC, particularly among children, parents and professionals generally know the CRC exists but understand little about it and its implications. Many are, moreover, still generally suspicious if not downright hostile to the notion of children's rights, mainly, it is agreed, because of their own lack of understanding about human rights overall. Many practitioners working with or for children have not had systematic CRC training, although the NCFC, NOPCAN and HRCB have all undertaken one-off or short-term training programmes and a 12-month course is currently being offered by NCFC with UB for social sector agencies. NCFC provided training for members of the legal profession when FACA was introduced, but not on the CRC itself. BPD has traditionally paid more lip service than serious commitment to including human rights education in its police training programme and police are generally considered to be the state's most public human rights violators.

Children's rights are included in the primary school social studies curriculum but many teachers lack the knowledge and skills either to teach human rights or to incorporate human rights into the classroom. For 3 years UNICEF published a children's rights diary for Standard V and VI children, but ceased when MoE declined to co-fund further editions. The Bachelor's Degree in Social Work has included a human rights module for the last 3 years. In 2004, the newly-founded Belize Centre for Human Rights Studies, will start introductory human rights courses at UB, with the aim of eventually integrating human rights throughout the curricula there..

### **State reports to be made widely available to the Belizean public**

In 1999 a compilation of UN Committee documents was published after consideration of Belize's initial report but no NGO recalled seeing it nor could find a copy of the 1999 conclusions and recommendations. Five of the 11 NGOs participating in the preparation of this report did not receive a copy of the government's first periodic report. NCFC printed a limited run of 250 copies for distribution; there was no publicity about the report's publication or its submission to the UN.

## **II. DEFINITION OF THE CHILD**

*Article 1: a child is under 18*

*Committee 1999 concern: low marriage age; no legal minimum age for conscription; law does not allow adolescents to pursue medical and legal counselling without parental consent.*

There is a plethora of different ages to define a child in Belize. A child is criminally responsible at 9, can go to prison at 10, can work part-time at 12, is meant to be at school until 14 (or Standard 6 if reached at an earlier age), can get married at 14 but is a victim of carnal knowledge if not married and under 16, is an adult or young person at 16 in the penal system, can be a soldier at 16, can drive at 17, and can vote and consume alcohol at 18. The lack of consistency and seemingly arbitrary nature of these limitations does not recognise the evolving capacities of children and adolescents. Instead it sends young people confusing messages about their place and responsibilities in society.

### **Marriage**

Many people in Belize are surprised to learn that 14 is the minimum legal age of marriage and their automatic reaction is that it is "because of the Maya" and "just for the Maya". In fact, girls of every ethnic group marry at 14, but it remains an issue which government seems reluctant to want to broach, for fear of offending cultural norms. One obvious consequence of such a low marriage age is the social message that it is acceptable for young girls to be pregnant, take care of the home, finish school, be left open to abuse and exploitation, denied full developmental possibilities. National statistics show that from 2000-2002, 23 girls aged 0-14 were married, 2 in Corozal, 3 in Orange Walk, 2 in Belize, 6 in

Cayo, 2 in Stann Creek and 8 in Toledo. In the same period, 1070 girls aged 15 to 19 were married, 238 in both Corozal and Orange Walk, 291 in Belize, 284 in Cayo, 74 in Stann Creek and 125 in Toledo.

“What? They can marry us at 14 and stop us going to school?”

*Anita (15), San Jose, Toledo*

Early marriage contravenes all the basic principles of the CRC:

- It is discriminatory: it is considered to be a cultural norm and acceptable, but just for one group
- It is not in the best interests of the child
- It denies the right to maximum development
- It denies the right of a young girl’s participation in a crucial decision affecting her life, as well as her freedom of choice, particularly in non-consensual marriage.

A married child is denied her childhood, and often becomes a child mother, with no skills, knowledge or wisdom to bring up her own children. Economic opportunities are very restricted, limiting her potential to improve her standard of living. Parents are known to agree to a marriage to legitimize sexual abuse or pregnancy, thus keeping a man out of gaol. Husbands are often much older and young wives are vulnerable to abuse and exploitation. In close-knit rural communities it is especially difficult for an abused wife to leave her abusive husband.

### **Military**

Belize has ratified the Optional Protocol to the CRC on the involvement of children in armed conflict and, as a result, the age of 18 for military conscription should be set in law. On ratifying the Optional Protocol, however, Belize entered a Declaration lowering the age for voluntary recruitment to 16 from 18 (Defence Act s.16). This seems out of line with Article 5, which states that national law should prevail if more conducive to child rights.

## **III. UMBRELLA RIGHTS - THE GENERAL PRINCIPLES**

*Committee 1999 recommendation: Further efforts to ensure that the principles guide policies and are integrated into all decisions, projects, programmes and services which impact on children*

### **Non-discrimination**

*Article 2: respect and ensure equal rights, protect against discrimination and punishment*

*Committee 1999 concern: insufficient measures to ensure all children are guaranteed access to education and health and are protected against all forms of exploitation.*

*Committee 1999 recommendation: make further efforts to ensure this principle guides all discussions and decisions which impact on children*

*The reality: “Discriminated against and helpless”*

Although the government has ratified CERD, it has taken no steps to put its commitments into effect to educate people to be tolerant and fight discrimination and racism. Discrimination is systemic and at the heart of all violations of human rights but there are no official laws or programs that legislate, penalize, and enforce penalties for acts of stigma and discrimination. With no protection from or recourse against discrimination, children and adolescents are unprotected from its effects and can never fully enjoy their rights. Many practices are socially and legally entrenched. An anti-discrimination law should be introduced, and a non-discrimination principle should be incorporated into all legislation concerning children. Discrimination is identified as a main issue by a 16-year-old girl who has contributed her thoughts on the CRC to this report – see appendix A.

. All the vulnerable groups identified by the Committee in 1999 remain the victims of discrimination – children and adolescents who are disabled; belong to a minority or indigenous group, live in remote rural areas, live in poverty, live or work on the street; refugee and asylum-seeking children; immigrant children, particularly if illegal; in the juvenile justice system; of single parent families; born out of wedlock; sexually abused; in institutions; non-English-speaking. Add to that list children and adolescents with special needs; infected or affected by HIV/AIDS; trafficked children; children being sexually exploited in prostitution and pornography; pregnant students; non-English-speakers; children of discriminated against parents; different religion to the school they attend;

homosexuals; denied access to human rights and reproductive health information; who can't go to high school; working children; not listened to; whose parents are the wrong political party or born in the wrong country; young black men "profiled" by the police.

Discrimination denies children access to school, discrimination in school denies access to good quality education and exposes children to humiliation and violence. There is no systematic bilingual or ESL approach to ease tiny children's passage into the English-speaking education system. Younger, less experienced teachers are routinely sent to the more remote villages in Toledo, which further disadvantages rural children.

Many church schools do not allow sex and reproductive health education and then penalize girls who become pregnant. Pregnant students in 3<sup>rd</sup> and 4<sup>th</sup> form at high school may, depending on the school, return to complete their studies. Pregnant students in 1<sup>st</sup> and 2<sup>nd</sup> form are expelled. Neither have any support from the school; there are no support or child care services to help girls return to school, and those who cannot cope with schoolwork and parental responsibilities drop out.

The Catholic school management is aggressive in pursuing its policy of suspending or dismissing unmarried pregnant teachers if they refuse to marry. A recent, high-profile case concerned a young teacher in Toledo, Maria Roches, who is the first teacher ever to challenge through the courts a dismissal for pregnancy, having refused to succumb to considerable pressure to get married to keep her job. The court upheld Ms Roches' case and awarded her \$150,000 compensation and now the defendants have appealed against the judgment. Since her baby was born in September 2003, Ms Roches has worked on temporary contracts at government schools, and has lost the benefits of a fulltime teacher, such as vacation pay. Her pregnancy was one of considerable strain, being dismissed and going to court; her dismissal has reduced her earnings and her family's standard of living, and has deprived schoolchildren of a trained, committed and well-respected teacher. She chose to have her baby; others have chosen abortion.

Immigrant families from Central America face discrimination in every area of life. They are usually poor., having left their homes in Guatemala, El Salvador or Honduras in the hope of a better life in Belize. The difficulties immigrant women face are shared by many other poor women in Belize, but immigrant women are particularly vulnerable, being separated from family and community support structures, and often not speaking English. The inadequacies of the social services, the court system and the people in them mean that children regularly go hungry as a result. Banana workers are another immigrant group who suffer denial of basic employment and labour rights, all of which affect the wellbeing of their children<sup>3</sup>.

### Best interests of the child

*Article 3:..best interests of the child are the primary consideration in all decisions made. Ensure child protection and care; ensure all services conform to set standards. Committee 1999 recommendation: make further efforts to ensure this principle guides all discussions and decisions which impact on children*

*The reality: The implications of Article 3 have not been widely discussed in all professions dealing with children; the 2004 Residential Care Facilities Regulations are a vast improvement in law; endemic deficiencies in state systems of care lead to non-compliance; no legislation for care and protection in times of national disaster; the 1939 Certified Institutions (Children's Reformation) Act is against the child's best interests.*

The term "in the best interests of the child" has existed in Belize as the basis for legal decisions for much longer than the CRC. FACA upholds a child's right to "best interests of the child" in the final paragraph of the First Schedule<sup>4</sup>, albeit with room for appropriate modifications to suit the circumstances in Belize. The state report may well be accurate in claiming that "[it] means that the best interests of the child have been able to be applied more evenly and fully across a range of areas," but the reality is that any improvement started from a very low base. The best interests of all children are not well served by the endemic deficiencies of many state systems, as documented in this report. Children are neglected by the state as well as by their parents.

The Family Court in Belize City bases decisions on the "best interests of the child", in accordance with the CRC; children in the districts do not always enjoy this right. Social work degree students learn about human rights and the CRC, to enable them to uphold this right. But there is little evidence of formal discussions by lawyers, teachers, school administrators, educators, law enforcement personnel, medical personnel or government officers, even NGOs, about what "the best interests of the child" means both as a concept and in its application in policy and practice, to attitudes, actions and decision-making processes. Systematic and ongoing CRC education for professionals should

<sup>3</sup> See Appendix E

<sup>4</sup> s.4 "A child shall have the right – ( c ) to exercise, in addition to all the rights stated in this Schedule and the Act, all the rights set in the UN 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."

include this topic as a priority. A “best interests of the child” analysis of budget allocations could reveal the level of commitment to this umbrella right.

The recent Trafficking in Persons (Prohibition) Act (2003) s.18 recognizes that “special consideration shall be given to trafficking victims who are children, in a manner that is in the child’s best interests and appropriate to the situation”. The Residential Care Facilities for Children Regulations (2004), if implemented, could be a vast improvement in strengthening structures dealing with children in residential care, although they do not specify “best interests”. The Certified Institutions (Children’s Reformation) Act is contrary to a child’s best interests by allowing a parent to put their child in detention for the status offence of being “out of control.” It should be repealed. Two other areas of non-compliance with Article 3 are that children are largely unrepresented in court and that few laws protect children from violence.

### **The right to life, survival and development**

*Article 6: inherent right to life and maximum survival and development*

*Committee 1999 recommendation: make further efforts to ensure this principle guides all discussions and decisions which impact on children*

The PAR documents an unacceptably high level of poverty, which directly affects the enjoyment of this right. 10.8% of the population were very poor or indigent, 33.5% were poor, and 39% of children from 0 to 17 years were poor. In Toledo, 51.6% of households were indigent and 79% poor (the lowest was in Belize District - 24.8%), with 84.5% of children poor. The poverty gap in Toledo was 44.4% (compared with the national level of 11.1%.) This huge preponderance of poverty in an area inhabited largely by an indigenous people is of great concern, given the amount of money and effort devoted there ostensibly to poverty relief.

See also Section VI.

### **Respect for the views of the child / participation**

*Article 12: right to express views freely and have them given due weight in accordance with child’s age and maturity*

*Committee 1999 concern: traditional practices, culture and attitudes still full implementation*

*Committee 1999 recommendation: make further efforts to ensure this principle guides all discussions and decisions which impact on children; develop a systematic approach to increase public awareness and encourage respect for the child’s views*

*The reality: many children, particularly from urban areas, do speak out and are encouraged to do so; many adults, including teachers, perpetuate the “be seen and not heard” approach they themselves experienced as children, still fear children’s rights as an attack on their own authority and see children expressing their views as a threat.*

Increasing numbers of children, particularly from urban areas, are being given the opportunity to voice their opinions. Most adults in Belize, however, did not grow up being listened to and many find it difficult to adjust to the notion that children are more than an empty vessel just waiting to be filled up with adult knowledge and instruction. An indication of entrenched attitudes can be seen in the recent reaction of the publisher of a national newspaper (Amandala) to the consultations with school children organized by NCFC before the Education Summit in late May 2004. He publicly decried the consultations as laughable, on the grounds that children don’t know anything and are only good for spots of entertainment<sup>5</sup>.

Changes from chalk and talk teaching methods are slow; many classrooms are still non-participatory and do not encourage free expression. But more parents and teachers countrywide are, despite the obstacles, encouraging children to develop their abilities to think, form and discuss ideas, express themselves. Teachers who encourage their students to participate and discuss can encounter criticism for being “too noisy.” In one high school, the Principal punished all the children in a class for being rowdy when in discussion groups, despite the teacher being present. Children whose parents encourage them to think, talk and discuss are called “upstart” at school. Educating children and adolescents about their rights has played a large part in developing their capacity to think and express themselves, but too often they run into adults who won’t listen. What is the consequence? A mental health nurse is very clear, “If we don’t listen to children and adolescents, they run the risk of developing mental problems.”

Youth for the Future (former Youth Dept), in their conflict resolution programme with gangs in Belize City, has identified the “dependency” tendency of young people to expect adults to do the thinking and make the decisions.

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<sup>5</sup> Full text in Appendix D

Children and adolescents who are not empowered to develop their abilities to form and express opinions will find it difficult to take responsibility as adults for using information and making informed decisions.

In Maya communities, where women traditionally do not talk in front of men, there are few role models to encourage Maya girls to learn how to participate actively in family, school and community affairs.

In Family Court matters, children's views are systematically elicited and encouraged as part of decision-making processes. District courts are not child-friendly and there is great urgency in the need to extend the Family Court system to the districts.

Kidorama, NCFC's popular Saturday morning radio show, is a programme run and presented by children for children. Sugar City Radio in Orange Walk has had a morning children's show for many years. Children and adolescents appear in the national view on a few high-profile occasions to practice and promote their rights, expressing themselves on matters which affect them. In 1998 the first UNICEF children's rights election took place; in 1999 there was the CRC 10<sup>th</sup> anniversary children's rights song; in 2001, the Youth National Assembly; and in 2003, the Youth Parliament. The Youth Parliament, sponsored by BFLA, was aimed at training a group of in and out-of-school young people from 15 to 24 in parliamentary procedures; they chose HIV/AIDS as their most pressing issue. It is not clear how much impact their motions have had on policy, as there is no formal mechanism for children and adolescents to participate in policy development.

Children aged below 18 cannot vote and are therefore politically disenfranchised. This will always be the most difficult barrier to overcome in terms of providing children with a meaningful avenue for having their voice heard and opinions acted on. Politicians do not respond to children's views if the opinions expressed do not appeal to adult voters, leaving children extremely vulnerable to the whims of political expediency. An example of this is the government's ongoing reticence to introduce comprehensive family life, reproductive, sexuality and HIV/AIDS education in schools, because of opposition from the churches, despite repeated calls from teenagers about its importance.

## IV. CIVIL RIGHTS AND FREEDOMS

The NCFC Legal Review considers that the laws of Belize fall short of ensuring these rights.

### **Birth registration**

*Article 7: birth registration, name and nationality, to know and be cared for by his or her parents*

*Article 8: identity, including nationality, name and family relations*

*Committee 1999 concern: many children still not registered; lack of awareness about registration procedures. Committee 1999 recommendation: fathers to be also made responsible for birth registration; birth registration procedures made accessible to all; mobile birth registration programme; raise awareness of all relevant adults; regularize situation of immigrant children.*

*The reality: there are still obstacles to birth registration which lead to children not being registered. Immigrant children without birth certificates encounter difficulties obtaining documentation.*

PAR notes MoH recognition of under-registration, with the percentage of registered births at 92.7%. The failure to resolve this long-standing problem satisfactorily is inexcusable. A mobile birth registration system has not been set up.

Mothers who are taken out of their area to have their baby have to return to the registry office nearest to the hospital to register the birth of their baby. If cost and logistics are insurmountable obstacles, babies remain unregistered. In Maya villages, Alcaldes can register village births and, in 20 of those villages, TBAs ensure that births are registered.

Some immigrants are conscientious about registering a birth to regularize their child's status. But immigrant women estranged from their child's Belizean father are not able to register their child's birth. An abusive father thus can hold a level of control over the immigrant mother who must do what he says if she is to get him to register her child. There is no permanent provision to regularize the status of children of illegal immigrants to ensure their wellbeing without discrimination.

### **Freedom of expression, access to information, thought, conscience and religion, association and peaceful assembly, privacy**

*Article 13: Right to freedom of expression, to seek, receive and impart information and ideas*

*Article 14: State respects freedom of thought, conscience and religion, parental right and duty to provide direction*

*Article 15: State recognises freedom of association and peaceful assembly*



*Article 16: Protection of privacy and protection of the law against interference or attacks*

*Article 17: State ensures access to information, materials, books, regard for linguistic needs, protection from injurious information*

*The reality: freedom of expression is not strong in Belize; political victimisation is overt; access to crucial health information is denied; religious intolerance is found in school; trade union activity is limited and not tolerated in the banana industry; two demonstrations about public transport issues have been met with disproportionate use of force by the police; the constitution, the laws, government circulars etc are not made available in Spanish, which is now the major language of the country.*

Unchanging authoritarian attitudes curtail the development of children's freedom of expression, as does the real fear of victimisation. Suppression of freedom of expression is a denial of the rights of participation and respect for a child's views. (See page 7, *Respect for the views of the child / participation.*)

Children who have developed the ability to access and use information and express themselves can better defend themselves against abuse and exploitation; they can evaluate, assess and speak up and try to protect themselves from abusers.. Those who have been cowed into silence are potential victims. Freedom of expression is also closely linked with the right to access to information and to participation. Lack of access to reproductive health and HIV/AIDS information, for example, hampers young people's ability to express informed opinions and make informed decisions in potentially risky situations. Lack of opportunities to engage in structured activities inhibits children and adolescents from practising expressing themselves freely.. The effort to put computers in schools countrywide is to enable schoolchildren to have more access to information but schools which are closed and locked up at 3.30pm deny access to information. Illiteracy is a barrier to access to information, to freedom of expression and to participation as well as to economic opportunity and a better standard of living. Infant schoolchildren who are expected to function in English as a result of "being thrown in the deep end" are cruelly denied access to information and the ability to express themselves freely in any language.

Three examples of state harassment of adults who have spoken out freely could well instil fear of speaking out in children and adolescents. A high school teacher, an outspoken and well-known opponent of the Chalillo dam, was fired after organising a debate to enable his students to hear both sides of the argument. A human rights lawyer who is a known opponent of police brutality was charged in January 2003 for drug trafficking. Her case was taken up by the UN Special Rapporteur on Human Rights Defenders and in early 2004 she discovered that the Solicitor General had written defamatory remarks about her in a letter to a Canadian lawyers' organization. In June 2004, the charges were dropped against her and she is now suing the government for malicious prosecution and defamation of character. A journalist who reported on the sale of passports scandal in 2002 left the country in fear of his personal safety after receiving threats to his personal safety.

After the police used force and fired shots against demonstrators at Tower Hill in 2000, a Commission of Inquiry recommended the police review their handling of public demonstrations to avoid use of excessive force. In Benque, on 24 April 2002, however, to the contrary, freedom of expression and association were attacked by the authorities, when police declared a riot to disperse townspeople and students gathered at the start of a peaceful, community demonstration against a rise in bus fares. Using disproportionate force, police fired teargas indiscriminately, shot two men, one of them 15, and arrested and brutalised over 20 males (including 5 minors), then pressed charges of assault on those they had brutalised. Primary schools were closed for several days; children, adolescents and teachers in particular were suffering from post-traumatic stress. High school students told HRCB how proud they were to be speaking up for their rights as citizens of Belize, and how shocked, angry and hurt they were by the government's reaction to their exercise of their rights, which was to beat them and shoot them.

The state report is incorrect in stating that police withdrew all charges. Investigations with the Benque police superintendent in June 2004, more than two years later, revealed that the charges had never been officially dropped; the young men remain on bail.

In respect of freedom of religion, parents have complained to HRCB about Principals of some church schools demanding a change of faith for their children to be admitted. Also, children can either be required to attend services of the school's faith or are excluded with no other activity organized for them.

There are no institutionalised mechanisms for children and adolescents to exercise their own political voice. Those in vulnerable circumstances have felt excluded from the small, high-profile events. Several NGOs have participatory programmes for their young clientele. NOPCAN's Children in Action group produced a newspaper for some years and had a radio show. At YES' Young Women's Forum, teenage girls learn more about topics important to them, and voice their concerns and opinions. BFLA's youth arm also provides spaces for vulnerable young people to come together and talk about their issues.

### **No torture or other cruel, inhuman or degrading treatment or punishment**

*Article 37(a): State ensures children are not subjected to torture etc, nor capital punishment nor life imprisonment without possibility of release* Committee 1999 **grave concern:** widespread practice of corporal punishment

*Committee 1999 recommendation: State take all appropriate measures to prohibit corporal punishment*

*The reality: “Violence against children (in the form of corporal punishment) is institutionally accepted in schools and widely practised within families as the primary sanction, punishment and form of control and regulation of behaviour.” (UNICEF). Belize has a high murder rate, as violence in the streets escalates.*

The National Family Violence Plan, developed as part of a regional project between 1998 and 2002, was spearheaded by PAHO who had identified violence as a major public health concern. All the domestic violence initiatives came from this project. (See Article 19 page 13) The *Domestic Violence* and *Families and Children’s* Acts were important steps in the struggle to combat violence against children. However, as a NOPCAN study<sup>6</sup> in 2003 concluded, the laws of Belize generally allow and enable a high level of violence to be committed against children. Protection is limited and explicit prohibition of corporal punishment is almost non-existent.

The NOPCAN study went on: “...the concept of using no force and no violence against children seems almost alien. On the contrary, the belief that hitting children is beneficial and right permeates the attitudes and behaviour of adults across all classes and in every sector of society. Corporal punishment is seen as a socially-acceptable method of child-rearing and control. It is clear that attitudes and practices in the home, schools and institutions are entrenched and that there is widespread and strong resistance to abandoning this form of violence against children. The impact on children of growing up as victims and witnesses of this violence in the home, in schools and institutions is not widely discussed.”

Parents see it as their responsibility to “discipline” their children, and “discipline” means corporal punishment. Parents can give their authority to “discipline” to any other adult, which is why reports of teachers lashing children for parents and police lashing children for parents, teachers, institutions and communities continue to be received.

Police brutality is another common form of violence against young men, if not so often children. HRCB has documented dozens of cases of victims of police brutality over the years, including of minors. Police too seem to enjoy much impunity, despite frequent official declarations of “zero-tolerance” of police brutality. As long as law enforcement officers break the law by assaulting people, young people will become sceptical of the rule of law and order, desensitized to physical violence, and the spiral of violence will continue.

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

### **Parental and state responsibilities**

*Article 5: State respects parental responsibilities, rights and duties to give appropriate guidance to children. Article 9: State ensures child is not separated from parents and respects child’s right of access to parents, unless incompatible with his/her best interests. Article 18. 1&2: State ensures recognition of parental responsibilities, assists parents, develops institutions, facilities and services for care of children*

*Committee 1999 concern: large and increasing number of single parent families and abandoned children; lack of adequate care facilities.*

*Committee 1999 recommendation: State increase efforts to support parents, facilitate alternative care, provide additional training for social and welfare workers, establish independent complaint and monitoring mechanisms for alternative care institutions*

*The reality: single parent families and successive common-law and step-relationships are prevalent in Belize; poverty, young parenthood, lack of education, need to work, all contribute to the risk children face of abandonment and neglect. Registered, authorised childcare facilities are few. Parents can relinquish responsibility for their children for “uncontrollable behaviour”; children are neglected by parents and state.*

<sup>6</sup> “Corporal punishment in Belize – the legal framework for violence against children” NOPCAN/Nov 03

### Parental responsibility

PAR documents that in 2002, 28% of children did not live with both parents; 21% lived with their mother only; 2% with their father only; and 5% lived with neither parent. That means about 6350 children were not benefiting from parental guidance and care – numbers equal to the population of Benque, the fourth largest town in Cayo district.

The Certified Institutions (Children's Reformation) Act of 1939 allows parents or guardians to abdicate responsibility for their children displaying "uncontrollable behaviour" and put them into an institution, the Youth Hostel. If children run away, they can be put in prison. Thus, for displaying what may only be teenage rebelliousness, boys as young as 12 have ended up incarcerated in prison with adult convicted men. Suggestions that the time has come to remove this outdated colonial law have met considerable resistance from parents, magistrates and others in authority.

The ability to take responsibility depends on access to information and the application of understanding. Ill-educated, young teenage mothers, many of them children themselves and without access to information, cannot, therefore, be responsible parents. Equally, parents who have no knowledge of their own or their children's rights are not equipped to "direct and guide" their children in a way to assist full development of their potential. Children ignorant of sexual and reproductive health are unable to make responsible decisions about responsible parenthood.

A rather different aspect of parental responsibility is raised by YMCA, who find that more parents are willing to pay for their daughters than for their sons to attend YMCA programmes. This is consistent with HRCB's survey findings that parents tend to pay more attention to their daughters' whereabouts than their sons', perhaps neglecting their sons' needs for guidance and care. A son can and will roam at a very early age, without either parent or son feeling the need for the parent to know where he is.

### Separation

Children caught up in custody battles between their parents often don't know where they belong, being the subject of battles about maintenance and visitation rights. Literally separated from one parent, they can also be separated from the certainty of their own identity and of being cared for. Belize ratified the Hague Convention on Abduction in 1989 and it is in regular use, with cases usually between Belize and the USA, Canada or Britain.

*June 2004: a young woman from El Salvador is in Hattieville prison for 6 months pending deportation separated from her one-year-old infant who is staying with a friend. Her baby was born in Belize Belizean man, but he is not supporting them.*

### State assists parents

Many of the young women who come to YES for help receive little support from the fathers of their unborn or born children. Belize laws protect men from unnecessary care of children they did not father and, for the courts to require an unwed man to pay for the support of a child he must either admit to being the child's father or consent to taking a DNA test, the cost of which is the mother's responsibility to pay, if she requests the test. DNA testing is done in the USA. Young mothers, often children themselves, struggle to take responsibility for caring for their babies in the face of this system. As a result, YES has been exploring programmes for young mothers to gain the necessary skills to better support themselves.

Parenting education is recognised as one of the foremost methods of protecting children and their rights,. YES and NOPCAN have a long history in this field. Since 1996 NOPCAN has reached 100s of parents countrywide, including about 21 fathers in prison who have participated in the fatherhood programme. Court records now show that some parents found guilty of physically abusing their children are referred to NOPCAN for a mandatory 6-week parenting programme. There is a need for a more aggressive programme of parenting education to systematically reach all towns and villages, addressed to the needs of vulnerable mothers and fathers.

### Residential care

One government children's home, in Belize City, and a handful of private children's homes are expected to cope with the steep rise in numbers of children requiring alternative care as a result of increased reporting of child abuse. There have been constant concerns over the years about overcrowding, the standard of care, the methods of discipline in some homes, the "self-placement" by children themselves or parents without the knowledge of social services. MHD's concerns about the private Cayo School for the Deaf, following a report by a concerned parent, were not fully addressed as MoE technically has responsibility for that institution.

In April 2004 the Social Service Agencies (Operators of Residential Care Facilities for Children) (Registration, Licensing and Minimum Operating Requirements) Regulations came into effect. This is a groundbreaking piece of legislation. Its provisions are wide-ranging and, if implemented, could transform the lives of children in residential care.

They provide for residential care for abused/ neglected/ abandoned and/or orphaned children, for children who have committed status or summary offences and for children who have committed an indictable offence. Capacity (maximum 50) and staff/child ratios (maximum 1:8) are prescribed. Corporal punishment is proscribed, as is any form of cruel, inhuman or degrading punishment or any other harsh or degrading measures; no child is to be deliberately deprived of the basic needs including food, water, shelter, clothing and bedding. It provides for a policy for grievance complaints by residents and staff. Behaviour management policies are to be in compliance with the CRC.

### **Social and welfare workers**

The University of Belize (UB) Social Work Dept is to be commended as the first department to introduce human rights education at the tertiary level, in 2001, by including in its Bachelor's Degree course a compulsory one-semester human rights module, focussing on the CRC. In 2004, the NCFC in conjunction with UB, is sponsoring a 12 month course for social sector agencies to strengthen their capacity to work effectively for children using the CRC.

### **Recovery of maintenance**

*Article 27.4: State secures recovery of maintenance, particularly from persons in another State*

*The reality: children go hungry as mothers routinely face tremendous difficulties in obtaining maintenance. Male friendships in small communities, with a male-dominated police and justice system, do not always well serve women and children. Fathers claim custody to avoid maintenance payments, then abandon their children.*

The state report says that payments were not being made for 2169 of those children who had been awarded maintenance from the father. In Cornerstone's experience, most children not receiving maintenance go hungry, as do those children whose plight never comes to court. The \$2.50 summons fee a mother must pay in the district court to recover maintenance is an obstacle to her being able to look after her children's most basic needs. And once a father defaults there is no support for the child at all. The lack of concerted enforcement by the police is a major deterrent to ensuring the best interests of children - police are known to demand payment from women before they will deliver a summons without delay. The lack of the child-friendly Family Court countrywide denies mothers equal access to justice and their children to survival, development and education rights, among others<sup>7</sup>.

### **Children deprived of their family environment**

*Article 20: State provides special protection for children without families and appropriate alternative care*

*Article 21: State ensures adoption system is in the best interests of the child*

*Committee 1999 concern: widespread practice of informal adoptions. Committee 1999 recommendation: prevent abuse of informal adoption; accede to the Hague Convention on Intercountry Adoption*

*Article 25: State periodically reviews placement of children in alternative care*

*The reality: High numbers of children are deprived of a family environment through abandonment or informal adoption; HIV/AIDS infected children and orphans of HIV/AIDS parents have no special care; children are at risk of not being protected by the formal adoption system when taken abroad; Belize has not acceded to the Hague Convention on intercountry adoption*

### **Day care and foster care**

The 1998 Day Care Facilities Regulations provide wide-ranging protection for children, including from corporal punishment. Inspection systems are weak, with only one Inspector for the whole country.

Since 2000 the YWCA has provided training for child care providers and day care centre managers, based on a curriculum developed with the MoE pre-school unit and accepted by both MoE and MHD. In 2003, YWCA re-started its childcare services for children from 3 months to 5 years in Belize City and currently has an enrolment of 200. DHS continues to mount campaigns to expand the number of foster families on its register, to enable more children to be kept out of institutions.

### **Adoption**

All adoption work is centralized with the adoption unit in Belize City, to relieve overworked district staff of that responsibility. DHS figures for 2003 record 23 national and 5 international adoptions. There is a discrepancy between

<sup>7</sup> See Appendix E - Immigrant Life in Belize

the DHS figure and that found in the Chief Justice's annual report for 2003, which records 58 adoptions processed through the court, reflecting a steady increase since 2000 when 25 cases were recorded.

Inter-country and informal adoptions are still the main concerns. Babies are still handed into the care of the relative or friend most willing and available at the time, and this form of informal adoption is often not seen as anything wrong. FSD has for the last year been working closely with the passport office and US Embassy, who refer back any adults who seek to travel with a child who is not their own or fully adopted child. Fears are that the legislation governing intercountry adoption is not enforced and that babies in deprived communities are still targeted and "bought" by groups from the USA.

The law does not allow for a non-Belizean child to be adopted in Belize, and a child under 18 cannot apply for residency or Belizean nationality except at the discretion of the Minister. This is a gap in protection for children who were not born in Belize but have lived here many years. El Salvador, for example, will not process adoptions after the child has been out of the country for 2 years. The law should be amended to eliminate Ministerial discretion and enable non-Belizean children to be adopted in Belize.

### **Abuse and neglect including physical and psychological recovery and special integration**

*Article 19: State obligation to protect children from all forms of maltreatment and undertake preventative and treatment programmes. Committee 1999 **grave concern:** widespread practice of corporal punishment*

*Committee 1999 recommendation: State take all appropriate measures to prohibit corporal punishment*

*Article 39: State promotes physical and psychological recovery and social integration of child victims of neglect, exploitation, abuse, torture etc Committee 1999 **grave concern:** lack of awareness, information and resources concerning domestic violence; lack of sexual abuse protection for boys.*

*Committee 1999 recommendation: State undertake studies on domestic violence, ill-treatment and sexual abuse; child-friendly procedures for case investigations; sanctions against perpetrators publicised; take recovery and reintegration measures for victims; introduce mandatory reporting; legal reform to protect boys.*

### **Corporal punishment**

*The reality: corporal punishment is legal; children have little real protection from being punished violently by any adult, except in day care centres and, now, in Residential Care Facilities*

*(Also see page 13, Article 19; page 24, Article 28; and page 10, Article 37a)*

Domestic violence campaigns have raised public awareness considerably and empowered women and others to report domestic violence; they have not focussed so much on children. It is clear that physical abuse of children has to be severe and repeated before many adults will consider reporting it.

The Criminal Code, by condoning violence in some cases, effectively gives blanket approval for severe corporal punishment of children. More force can lawfully be used to assault children under 16 for misconduct and disobedience than the minimum force adults can lawfully use to prevent crime or defend themselves or others against crime. A doctor has to certify that a child has suffered wounding before the assault is considered a criminal offence. Children do not have equal protection from violence under the law as adults.

Parents can delegate to any other adult their powers to lash their child and children report that parents and schools ask the police to lash children. One case came to court in March 2003 in Toledo, after a parent gave police permission to lash their 11-year-old son in the parent's presence, because he always missed classes to go to the riverside to swim and smoke weed and the parent was tired of his behaviour. In early 2004, the Youth Hostel handed over an adolescent to a local police station for questioning about an alleged theft and the police beat the boy.

Orthodox religious beliefs are that children will go to hell if they are not punished for wrongdoing, if the sin is not beaten out of them and if they are not taught to be humble. This allows for children to be constantly and cruelly punished, at home and in school. One traditional Mennonite community is said to order parents to beat their children. In 2003, 5 young men, some of them under 18, were reportedly tied up and flogged by a local policeman under the instructions of a community leader. Educational programmes about alternative forms of discipline are important, as are law revisions to prohibit corporal punishment of children of any kind in any sphere of society.

HRCB's survey of 939 children<sup>8</sup> revealed that their top dislike of school was others' violent and hurtful behaviour, and cited violence by teachers as an everyday experience. The correlation between violence at school and absenteeism is an area for investigation. What is not in doubt is that the cycle of violence is perpetuated as boys grow into

<sup>8</sup> "Leave No Child Out" HRCB/Dec 03

men who beat their wives. Violence at school warrants as much concern as domestic and public violence.

### **Child abuse and neglect, including sexual abuse**

*The reality: After 12 years' activity, particularly by NOPCAN, to bring abuse and neglect, particularly sexual abuse, of children and adolescents to the forefront, society seems to widely accept that prevention and protection is necessary but finds difficulty in turning that into action. NOPCAN spearheaded the legal reform which brought about the Families and Children's Act (FACA) and mandatory reporting regulations. Thousands of young schoolchildren countrywide learn about "Good touch, bad touch" to defend themselves from abuse, yet the system does not adequately protect them when they are abused. Very many children, especially girls, are the victims of routine sexual abuse. The Domestic Violence Act has focussed on the issue of violence against women rather than children. Support services are seriously overstretched. Coordinated reporting and response procedures remain unclear. Few prosecutions are successful. Some professionals refuse to report cases as they have no faith in the protection system. Boys are still not protected by law. NCFC is planning a vulnerability study of the child protection system.*

NOPCAN is the only long-term child abuse prevention and CRC-promoting NGO, founded in 1992, and was a key player in the development and enactment of the Families and Children Act and the mandatory reporting regulations. In the early years, many people were very sceptical, even cynical, not thinking that child abuse and neglect was a problem in Belize. NOPCAN was heavily criticized for trying to change attitudes towards children especially in relation to corporal punishment and the CRC. It was not until the abduction, sexual assault and murder of 7 girls between the ages of 11-13 during 1999-2000 that public denial turned into public outcry and NOPCAN programmes and services reached national prominence. NOPCAN, an NGO, was perceived as responsible and accountable for the protection of children from child abuse and neglect, not the state.

NOPCAN worked with the help of the media and other child rights proponents to create widespread public awareness in the country, despite pressure from those still abiding by cultural and traditional norms which say that children usually lie about such matters and that children should be seen and not heard. Since the mid-90s national public-awareness campaigns have reached about 50% of the population. NOPCAN's School Based Prevention Education Programme, referred to as "Good Touch-Bad Touch", has filtered into every school in the country through the training of teachers, principals and community leaders. From 1996 to mid-2001 NOPCAN had at least 250 children referred to their services for physical and sexual abuse and neglect. The Reporter and Amandala newspapers have regularly reported on cases and contributed significantly to raising public awareness of the issues.

Recognising intra-family violence as a public health problem, from 1998-2002, PAHO, the Ministry of Health, Women's Dept, BFLA and others collaborated in the development of "An Integrated Model of Care for Family Violence: State and Civil Society Response", as part of a regional response to violence. The National Family Violence Action Plan led to the setting up of Domestic Violence programmes, including the police domestic violence unit, MoH surveillance systems, training etc. The focus of the campaign evolved to be on women. The Women's Dept has, in June 2004, issued a Family Violence Protocol, a welcome step towards a more coordinated and professional response to working with victims of gender-based violence. It still, however, concentrates on women to the exclusion of girls, and boys are not mentioned in the protocol.

State services are overwhelmed. There are critics of the size of government structures in such a small country, but there is no doubt that we need more child protection officers of every kind. In an attempt to streamline service provision, DHS now has four branches: COMPAR – prevention; Family Support Services for at risk children; Child Protection Services to have increased capacity to investigate cases; Child Placement Services to follow cases. There are now 17 social workers in Belize City compared with 8 in 2002 but the districts are still very understaffed with usually just one social worker and a Community Development Officer who is responsible for service delivery and wears many hats, including that of a family court worker. They can do little to help rural women and children who are more trapped in violent homes by lack of possibilities to report and communicate and are more at risk from the cycle of violence. However limited the service for town women, it is far higher than for rural women.

There are still, six years after FACA, no protocols for an accountable, coordinated approach on reporting and responding to child abuse. This is seen as a major cause of the lack of prompt and sensitive care for young victims of abuse. The police domestic violence unit is not seen to be functioning well, because of lack of staff who cannot provide 24 hour cover, lack of training; lack of sympathy from male officers. Staff turnover in police and immigration is so great that the impact of any training is short-lived.

Education, official mechanisms, public awareness is not enough to stop sexual abuse when there are so few successful prosecutions as a result of FACA and mandatory reporting. Victims of abuse, and their parents, are speaking out much more but often find the legislation is not enforced on their behalf. There seems to be impunity for many perpetrators, particularly if they hold positions of some influence. When brave parents defy the pressure and persist in pressing charges, they can be subjected to unimaginable threats if the accused is well-known. The state fails to protect children when abusers who are teachers or policemen are transferred rather than prosecuted.

The path to successfully bringing a case to court, let alone prosecuting it successfully, is littered with obstacles. Perpetrators are more likely to be friends with policemen and magistrates than abused women and children, which can interfere with professional investigations. Mothers and victims are often pressured by the perpetrator, friends and family not to report or to withdraw charges. Many cases make no progress because of lack of evidence, the court sometimes citing lack of corroboration or witnesses, often ruling that under the age of 5 cannot provide accurate testimony. There is an urgent need for the law to accept testimonies from young children in chambers and by video, to ensure that good forensic techniques are in place with adequately trained professionals so that investigations stand up to scrutiny in court, that cases are dealt with promptly and that there are sufficient services provided for the physical and psychological recovery of the child. NOPCAN facilitated training of trainers in Forensic Interviewing for the BDP but its impact was negligible as the trained police were subsequently transferred to other duties.

The official definition of child abuse includes sexual abuse, physical abuse, neglect, emotional abuse, abandonment and wandering. Some figures show the magnitude of the problem. The number of all child abuse cases reported rose steeply from 158 in 1995 to 790 in 2003; the vast majority of cases are inter-familial and the victims female. More and more very young children are victims of full penetration.

A young Maya woman writing on carnal knowledge found that the highest number of reported cases in 2003 came from Toledo villages, from her own people<sup>9</sup>. She confirms that the abuser is usually a family member or trusted friend, that the family structure can contribute to the abuse, which extends to incest and rape. She describes the effects of the abuse: psychological shock and trauma; physical violence and verbal abuse during the act, pregnancy, STDs, damage to internal reproductive parts such as the hymen and uterus. She considers the social aspect is “probably the most terrible. Victims after an ordeal maintain a very unstable emotional state. It is very difficult for a person to regain trust and pride after such a degrading experience. Moreover, our society gloats over these situations since it gives the opportunity to gossip.” Confirming that all the years of awareness- raising about abuse does pay off in the end, the writer notes that “changes have started – MORE reports have been made and the vicious cycle is already being attacked.”

There is debate whether the increase in number of cases reflects increased awareness and courage to report or an increase in incidence. What is certain is that the ability of protection services to respond has not kept up with the increased reporting, and too many children become victims of state neglect..

NGOS can only help a few of those in need, even NOPCAN, the leading agency up to now. YWCA offers support services to 13 to 18-year-old out-of-school girls from deprived families in Belize City, and young women in Gales Point, many of them victims of physical, mental and sexual abuse and neglect and all at risk of early pregnancy, HIV/AIDS, more poverty, exploitation, more abuse. Since 1997, YES has had a clinic for 12 to 19-year-old pregnant teenagers, many of whom have been sexually abused or raped and need counselling.

Today NOPCAN remains the only child abuse prevention agency per se and it faces overwhelming requests for its services from teachers, parents and other community groups. NOPCAN now provides secondary prevention programmes such as counselling, support to parents and special activities for children in institutions.

Although remarkable progress has been made in dealing with child abuse and neglect in terms of legal reform and the establishment of government services, there is no agency providing primary prevention programmes countrywide since NOPCAN closed its district offices through lack of funding. This absence can only undermine the work of the last twelve years.

## VI. BASIC HEALTH AND WELFARE

<sup>9</sup> “*The Greater Evil: Carnal Knowledge.*” Marcie Teul/Nov 2003

### Children and adolescents with disabilities

*Article 23: State recognizes right of disabled children and ensures all necessary for a full and decent life. Committee 1999 concern: absence of legal protection and adequate facilities*

*Committee 1999 recommendation: State develop early identification programmes, increase alternatives to institutionalisation, establish special education programmes.*

*The reality: Children with disabilities remain ever more grossly discriminated against than in 1999 since government disbanded the Disability Services Division; many disabled children are kept at home, hidden.*

Three years ago, the Government closed its Disability Services Division (DSD), a tremendous setback, not only in direct services received, but also in the message sent to society regarding the worth and dignity of disabled children. It is no comfort to the disabled that, as the state report (p.43) says, “An impediment to divestment has been lack of functional NGOs in the disability area.” A new NGO, CARE, is commended for providing very limited services in some districts to children 0 to 6 years old who have physical disabilities, but it neither meets the overwhelming need nor can it be said to replace the DSD. According to the Abstract of Statistics 2003, there are 13,774 disabled people in Belize. Although no breakdown by age is given, there is no doubt that there are hundreds if not thousands of children with disabilities and special needs forgotten and ignored by the state.

Cornerstone Foundation helped establish and works with CayoCAN Disabilities Support Network which brings parents of disabled children together to share ideas, concerns, and resources. They describe the never-ending humiliation and frustration of trying to meet even the most basic of needs for their children, saying there is no place in the system of education, health services, social services that fully supports children with disabilities. Knowledge, care and compassion are rare commodities, even in hospitals. Single parents find it particularly difficult to access the extremely limited resources available for treatment and support of children of all ages who are living with disabilities.

*“Your daughter belongs in a circus”  
female doctor*

The MoE’s Special Education Unit caters to primary school age children but has limited impact, with just one special needs school, three schools with special needs units, two schools with special needs reading resource centres, and 4 itinerant teachers. Fifty teachers have been trained in Belize City to be able to identify and refer. Itinerant teachers conduct some limited local teacher training but are overwhelmed by referrals. The private residential Cayo school for the deaf has been the subject of social services concern about the manner of recruitment, corporal punishment, lack of child/parent contact, restriction of freedom of movement, and child labour.

### Mental health

The biggest concern of the only psychiatric nurse in Toledo is that there is no structure to help children when they start having emotional problems. Not many teachers can or do deal with children who display signs of mental problems. Parents who are responsible for referring the child for treatment may or may not do so. On the other hand, high school age children are more likely to refer themselves for treatment or make sure that their parents do.

The training of psychiatric nurses several years did not include child psychiatry but progress is being made with the start of a one-year full-time course in Belize City to train more. Two psychiatric nurses stress that the main cause of psychiatric problems is the home environment, if children feel that they are not listened to, that no one is paying them attention or respecting their views.

## HEALTH AND HEALTH SERVICES

### Article 24: right to highest attainable standard of health and to health care

*Committee 1999 concern: wide-ranging about ill health and poor health practices*

*Committee 1999 recommendation: reduce incidence of child and infant mortality; improve breast-feeding practices; combat malnutrition; strengthen reproductive health education, study adolescent health problems including special situation of HIV/AIDS and STDs.*

*The reality: the PAR health indicators suggest some deterioration in health compared with the 1995 survey; the young being of particular concern; immunisation coverage estimated by PAR is significantly and worryingly lower than reported by MoH; infant mortality has risen; there is no baby-friendly hospital; there is no aggressive breast-feeding*



*campaign; malnutrition is a nationally-acknowledged problem; there is strong resistance from churches to reproductive health education in schools; no specific study has been conducted on adolescent health problems;*

NGOs are concerned that health care in Belize is very expensive and not available to the poor. After 3 years, the National Health Insurance scheme has still not been expanded beyond its initial pilot stage and thus fails to provide health security to more than a small section of the Belize City population. It is very difficult for those in rural areas to access emergency health services; some Toledo villages never see a mobile clinic. Medical personnel who do not speak the patient's language cannot provide good health care. Sexually active minors have difficulties accessing necessary services including pregnancy tests and AIDS tests without parental consent.

### **Combating infant and maternal mortality**

In 2002, nearly 5 times as many babies under one died as children from 1 to 4 years. 16% of all deaths in 2002 were of children aged 0 to 14. Both IMR and U5MR have risen<sup>10</sup> in Belize. The 2002<sup>11</sup> IMR of 19.7 is higher than the 1995 rate of 14.9. The 2002 rate in 3 districts is higher than in 1995, increasing from 16.6 to 22.4 in Belize, from 5.6 to 23 in Cayo, and from 9.1 to 22.9 in Stann Creek. The rate in Toledo has declined to 11.9 in 2002, the lowest of the 6 districts<sup>12</sup>.

The U5MR has risen from 20.9 in 1999 to 23.8 in 2002, with only that of Belize district declining since 1999 (35.2 to 29.5). The highest U5MR in the period 1999 to 2002 was 40.9 in Stann Creek (in 2000). In that same period, Corozal's rate has increased from 14.8 to 16.1, Orange Walk from 15.4 to 23.6, Cayo from 16.8 to 24.7, Stann Creek from 7.2 to 26.5 and Toledo from 11.5 to 14.6.

The five leading causes of death to under-5 year olds are "Traffic Accident", "Acute Respiratory Infections", "Congenital Anomalies", "Accidental Drowning and Submersion" and "Septicaemia". Traffic accidents and accidental drowning are particularly indicative of a level of parental negligence. Traffic accidents are a leading cause of death and the government has taken a number of steps in an attempt to reduce the toll. But to prohibit transporting a large family in the back of a pick-up is hardly realistic when pick-ups are one of the most affordable forms of family transport.

Plenty (NGO) trained a group of rural Maya women as Traditional Birth Attendants (TBAs) to enhance the support given to Maya mothers, particularly in remote villages, blending traditional cultural techniques with modern approaches. The women were trained in basic midwifery skills, the use of local medicinal plants, birth difficulties and how to recognise when extra medical help is needed. They had literacy training to be able to fill in forms and communicate with hospital staff; each of them spent one week training at the hospital. The TBAs work voluntarily in 20 villages and in 2002 assisted 109 births. They provide pre and post natal information, advice and care and assist with birth registration. Difficulties TBAs now face include lack of access to ongoing training to keep their skills updated, MoH failure to provide basic supplies such as gloves and gauze, and communication problems with Spanish-speaking doctors.

*"We are grateful Eulaya and Dolores [TBAs] are there for our daughters"  
(grandmother, Jalacte, Toledo)*

*"This TBA saved your wife's life." (Nurse to husband from remote Toledo village)*

### **Nutrition**

The effects of malnutrition threaten the fullest development of personality, talents and mental and physical abilities of the 7.5% of Belize's children found to be suffering some level of undernutrition, of the 17.5% of stunted children, of the 1.3% of wasted children and of the 11.3% of overweight children identified in the 2002 PAR<sup>13</sup>. Toledo district, the poorest district, had the highest levels of stunting (44.9%) and low height for age (40.7%) when compared with all the other groups. There is no dispute that many children in Belize fail to have a nutritious, balanced diet. Although children don't generally suffer from a lack of calorie intake, there are national deficits in calcium, riboflavin, iron and Vitamins A and C, and there is some lack of protein in poor families. A malnourished child is thin, drawn, tired at school, of stunted growth, with intellect not fully developed, problems with eyesight, hair and fingernails, and hungry through lack of food.

<sup>10</sup> Abstract of Statistics 2003/CSO

<sup>11</sup> provisional

<sup>12</sup> *ibid*

<sup>13</sup> PAR para 6.6.2 >

A malnourished child is also obese and hyperactive from eating street and junk food washed down with copious amounts of soda drinks. Under-nourished teenagers who become young mothers perpetuate the deprivation. There is a lack of safety nets for children who have been abandoned or orphaned and are struggling to survive without parents.

Good nutrition begins with good breastfeeding practices, but there is no aggressive national breastfeeding campaign. Only 24% of babies were exclusively breastfed for the first 4 months of their life in 2002; 54% were breastfed with complementary food from 6 to 9 months; 23% were being breastfed at 20 to 23 months<sup>14</sup>.

The Committee in 1999 noted the establishment of a school nutrition programme. It is virtually non-existent. MoE's 2000/2001 feeding programme under SHAPES resulted in some schools continuing their own feeding programmes, but MoE devotes no resources to current support or long-term sustainability, nor does it monitor if children actually receive nutritious food. Many schools sell unhealthy soft drinks and snack to raise money. Since the demise of SHAPES in 2003, MoE's Education Support Services (ESS) remain responsible for the School Nutrition Programme but has no budget other than for one staff person. ESS is trying to work on a standard dietary plan with PAHO and others; QADS is envisaging a school gardening project with MoA and MoH.

In Belize City, YES runs a feeding programme at their Training Centre and provides some food to the teenage mothers who visit the Centre for Teenage Mothers. In Toledo, 11 primary schools now run a school feeding programme (SFP) with 2 feeding every child in the school. None feed all children 5 days a week. The start-up cost of a feeding programme is estimated to be \$6000. Capital costs of pots and pans and refrigerators etc are met by fundraising or, in some cases, the National Emergency Management Organization which equips school kitchens to be emergency kitchens in the event of a hurricane. Some food is provided through the government by Hand for the Needy, a US charity, but can be unreliable in delivery, quantity and quality. The most needy are often excluded as, however low the cost, it is beyond the means of a poor family with several children. Those children often have only one meal a day, after they get home from school and when food is available. Children are forced to do their schoolwork when hungry, are mocked for their lack of or poor lunch, and often punished for resulting behaviour or under performance.

In August 2001, Plenty started working with 7 SFP schools in Toledo in a pilot nutrition project to introduce soy foods into the school lunch menus. Then, as a hurricane relief measure after Hurricane Iris in October 2001, Plenty started a school garden project to provide vegetables. Now 10 schools have school gardens to support their feeding programmes, with the food grown going into the mouths of children, and any excess being given to children who eat at home or sold to raise cash for buying seeds. Some gardens even sell their produce at very low cost to the feeding programme. For schools to develop sustainable food producing gardens, Plenty provides initial tools and three years of technical support. They now support gardens in 17 schools and plans to expand the programme, giving priority to schools who want to introduce both feeding programme and garden. They also support the school feeding programmes by providing training for cooks, to include health, basic hygiene and sanitation knowledge, good practices, recipes and training in producing meals with a heavy vegetable base.

Unexpected opposition to the programme was encountered when a local politician said publicly that the school feeding programme was insulting to fathers as it implied that they were not capable of feeding their children. Plenty has thus focussed on educating teachers and communities about nutrition, to match the children's increasing level of knowledge and understanding. MoE in collaboration with MoH and UNICEF has also undertaken teacher training, but the constant transfer of teachers by either government or school managements makes the impact of training very shortlived. Nevertheless, Plenty considers their success has been that a significant number of children in 11 primary schools are eating a nutritious, balanced meal at least once a week, and thousands of meals are being provided to children every month. Several teachers have commented on the improvement in level of children's afternoon activity on the feeding days.

Plenty's biggest concern is that there are not enough vegetables in Toledo to provide all children with a nutritious, balanced diet. The paving of the Southern Highway has brought truckloads of fruit and vegetables to PG from as far away as Corozal and Cayo, selling at high prices to cover transport costs. The challenge is for Toledo farmers to diversify sufficiently to provide enough for the local market and cut out costly imports.

### **Reproductive health education**

*The reality: Belize's school children are denied holistic reproductive health education as part of the school curriculum; BFLA, an NGO, plays the central role in the area of reproductive health education; Cabinet approved the long-awaited Sexual and Reproductive Health Policy in mid-2003 and MoH is now working on a National Plan of implementation.*

<sup>14</sup> "State of the World's Children 2004" UNICEF

For at least the last 8 years, young people have taken the responsibility themselves, repeatedly and publicly, to ask the education authorities to introduce reproductive and sex health education into schools, most recently in the Youth Parliament in September 2003.<sup>15</sup> MoE initiatives have not lasted. Some 12 years ago a move to introduce HFLE foundered on lack of teacher training and participation. The School Health and Physical Education Services (SHAPES) was born in 1998 and dismantled in 2003, with its child-friendly school programme to be replaced by another HFLE programme. NGOs are very disappointed that yet another promising initiative has stalled and consider that HFLE is only part of what is needed to promote healthy, child-friendly schools.

BFLA, an NGO founded in Dangriga in 1985, is the only provider in Belize of comprehensive reproductive and sexual health and education services. It has always faced considerable opposition, primarily from the Catholic Church, which manages the majority of the country's schools. An example of the level of opposition was an article written by the Catholic Bishop in 2003, in the Stann Creek Star (Dangriga's newspaper), accusing BFLA of trying to destroy the black race by offering family planning services in what is a predominantly Garifuna area. Catholic high school principals are very resistant to BFLA presentations to adolescents. In some schools, however, issues such as morality and values are addressed under religion, the male and female anatomy under biology and socialization under social studies, depending on the attitudes of the school and teacher concerned.

BFLA, YES and YWCA have reached 100s of children and adolescents, including out-of-school males, with continuing life skills and human sexuality sessions. BFLA's health services range from family planning counselling and methods to early detection of cervical and breast cancer, enabling women to seek early treatment and prevention. It operates countrywide, including on two major Cayes (islands), through its 7 urban clinics, 8 mobile clinics and over 30 Community Based Distributors (CDBs) for contraceptive methods. In 2001 BFLA was contracted, under the National Health Insurance (NHI) Project, as a Primary Care Provider (PCP), offering comprehensive primary care services. From January 2001 to December 2003 about 10% of BFLA's services were to young people between the ages 15-19; 2,947 of a total number of 29,295 visits for family planning methods and counseling, HIV/AIDS counseling and STI treatment.

Teenage pregnancy is one result of reproductive health ignorance and the reality is that young mothers have no education, no skills, are often from abusive homes with mothers who were also teenage mothers, open to abuse, die of AIDS, know no other way of relating than through sex, don't know how to care for their babies, then abuse them when they are ill and cry. The 1999 *Family Health Survey* found that more than 80% of females reported having knowledge of at least one contraceptive, but only 17% reported using a method during their first sexual intercourse, despite the mean age for first sexual intercourse being 18 years, an age at which some level of responsible behaviour could be expected. 53% of the males reported having used a condom at first sexual intercourse and 57% of those reported being the one who initiated the use whilst 31% reported that it was a partnership decision. The mean age for first sexual intercourse for the males was 17 years. This indicates both inequality in access to information and the lack of skills to translate knowledge into behaviour.

YES' Centre for Teenage Mothers is staffed by a nurse and community health worker to give support to young mothers. In 2001, 87 newly pregnant and mostly unmarried teenage mothers visited the clinic for support, advice and medical treatment. In 2002 there were 52, the youngest being 12 years old; in 2003: 71; from January to June 2004: 21, the youngest a 13-year-old who was expelled from her primary school as a result of her pregnancy. YWCA includes life skills classes in its programmes. BFLA provides youth-friendly sexual and reproductive health services through their youth arm (YAM), which has helped equip over 250 young people to participate as active citizens in society. Today, about 40 active YAM members from 10 to 23 years meet weekly in Belize City for educational and recreational activities.

## HIV/AIDS

*The reality: Belize has the highest per capita incidence of HIV/AIDS in Central America. The right to protection from HIV/AIDS is denied to under-18s by the state and some churches who refuse comprehensive human sexuality and HIV/AIDS education in schools: The Youth Parliament demands is as of right.*

In 2003 there were 447 new reported HIV infections, all of Belizeans, with 25 one to nine year olds and 29 ten to 19 year olds. There were 109 new reported AIDS cases, with 9 one to nine year olds, and 84 AIDS-related deaths. The cumulative number of HIV positive cases since 1986 is 2471, of AIDS cases 669 and of AIDS-related deaths 464. 777<sup>16</sup>. Lax data collection methods of the early '90s were improved in the late '90s but a remaining weakness in the reporting

<sup>15</sup> see Appendix C

<sup>16</sup> MoH HIV/AIDS Surveillance in Belize Jan to Dec 03

system is considered to be the under-reporting by private doctors to the public health system. The trend from 2001-4 shows an average of 1 to 1.5 newly infected persons per day. Although the main infected age is from 15 to 44, AAA has documented a months' old baby and a 76-year-old woman tested positive. Increasing rates of reported STDs are part of the HIV/AIDS picture. Homosexuals are denied the freedom to seek the few services there are as long as they are discriminated against in law. A few, dedicated people are really trying to tackle the issues in the face of widespread denial and ignorance. Obstacles to the implementation of effective programmes include the high level of denial amongst politicians, church influence to stop aggressive state prevention measures through media campaigns and schools, the consequent ignorance about the literally vital need to change behaviour.

A National Aids Commission (NAC), headed by Chairperson Ambassador Dolores Balderamos Garcia, spearheads response to the HIV/AIDS epidemic, and has recently engaged a consultant to draft national policy and legislation. NAC has carried out a series of publicity campaigns to promote the HIV/AIDS ABC: Abstinence, Be Faithful, Condomize. The NAC Chairperson has felt it necessary to appear on national radio to justify including the word condomize, explaining that NAC is providing information, not advocating use of condoms.

More effort seems to go on persuading people to get tested than to prevent. NAC recently launched a campaign with banners saying "Know your HIV Status – get tested today." As part of the mother to child transmission programme, MoH offers a test to pregnant women countrywide who attend prenatal clinics. Pre and post-test counselling services, a prerequisite of effective testing programmes, are, however, weak and, to contribute to developing services, AAA and UB's Social Work Dept recently trained 40 people in adolescent counselling. There are some, such as the Jehovah's Witnesses, whose beliefs prevent them from seeking tests.

More government funding is needed to prevent the spread of infection, but the government is now making available limited free anti-retroviral medication (ARVM), to just 200 people who fit the criteria (CD4 lower than 300 and visit to a voluntary counselling and testing (VCT) centre.) Paediatric and maternal cases have priority, followed by spouse, partner or parent. This not only provides the environment for discriminatory decisions to be made but is also a limited response in a situation where an estimated 500 people have a CD4 below 300 and where providing ARVM therapy earlier to HIV positive patients can prevent conversion to AIDS. There is only one VCT in the country, in Belize City, although others are planned for each of the district towns and Belmopan.

Two years ago, employees at a district government hospital turned immigrant sex workers over to immigration when they came to the hospital to be tested for HIV. Now those women will not go near the hospital and most are not getting tested for HIV at all.

The reality for children is of course devastating. Society is not kind to children affected or infected with HIV/AIDS. They are ostracized and ill-treated at school by teachers, other students and their families; expelled; the subjects of unwanted and negative attention. In the family environment, children affected by HIV/AIDS become orphans, homeless, have to support themselves, been sent to an overcrowded children's home, been taken away from parents by family members; have then become a burden on family members which has lead to abuse; they have suffered lack of care, clothing and schooling, have been exploited, and forced into child labour. An affected child is denied the opportunity to play or have friends and is held to secrecy about the parent's condition. Then income disappears as the parent can no longer support the child, who lives in misery, watching and caring for the dying parent. UNICEF reports that by 2001 there were 1000 orphans as a result of AIDS-related deaths<sup>17</sup>.

Infected children need good nutrition, good hygiene, medication, care, understanding, to continue their schooling and, above all, they need good, ongoing psychological support if they know their status. Belize lacks this expertise. Good nutrition means 3 healthy meals a day, not a typical daily diet of street food and soft drinks, as lack of nutrition debilitates an infected child faster. Few schools provide healthy food or clean drinking water for children; few have adequate toilet and hand-washing facilities.

A reported development is that male abusers are targetting younger and younger girls to have sex with, because they are "virgins" and thus "clean". Adolescent male and female homosexuals are reported to be living on the streets, thrown out by their parents, then at great risk of abuse and HIV infection.

Education about HIV/AIDS is still not in the school curriculum and one has to ask if the state is in control of education. At the Youth Assembly in 2001, a teenage boy asked the Prime Minister why young people could get married at 14 but not have sex education until 18. The Minister of Education replied quite frankly that his Ministry had developed sex education materials for schools but the Bishops considered them "too aggressive". In 2003, Cabinet sent back a Ministry-proposed sex and reproductive health school curriculum with input from religious groups. The Catholic Church

<sup>17</sup> "State of the World's Children 2004" UNICEF

is the major opponent of HIV/AIDS education in schools. The Anglican Bishop, however, has taken the positive step of providing HIV/AIDS education for teachers at Anglican schools. The Seventh Day Adventists were the first to allow HIV/AIDS education in San Ignacio schools.

Despite the obstacles, many children do have information about HIV/AIDS. The urgent concern is that education FOR ALL is being denied. The Youth Parliament in 2003<sup>18</sup> focussed on HIV/AIDS as the most important topic of concern to young people.

NGO activity sees the YWCA including HIV/AIDS education in many of its programmes, with a special HIV/AIDS summer camp in Gales Point in 2003. YES has taken a drama production on tour targeted at teens to teach them about HIV/AIDS and has offered a workshop series to various groups that work with young people (teachers, parents, healthcare providers, youths) to raise further awareness. Little is known about employers' HIV/AIDS policies. AAA has this year adopted a policy for staff, Board and clients. There is no policy for government employees.

### **Clean drinking water and hygienic sanitation**

Few schools provide children with drinking water. PAR found that 49.8% of households countrywide had piped drinking water or used purified water; only 13 of every 100 of the poorest households in rural areas had piped water; 40.8% of the households were drinking water from an unpiped private vat/drum/well, and 5.7% were drinking water from the river, stream, creek, pond, or spring. About 14 villages in Toledo petitioned the Prime Minister for a piped water supply some time ago but remain without. The new system in San Jose broke down shortly after installation and remains unrepaired after more than six months.

According to PAR, 3.5% of dwellings did not have any type of toilet facility and 10.0% of households reported sharing their toilet facility with another person not of the household. Urban Belize City had 93.4% of its households with a water closet, whereas the rural areas only had 26.1% of households with this facility<sup>19</sup>.

### **Child care services and facilities, social security and standard of living**

*Article 18 (3): State ensures eligible working parents' right to child-care; Article 26: right to social security*

*Article 27: State ensures adequate standard of living, particularly assisting nutrition, clothing and housing*

*The reality: the provision of child-care is woeful; few feel secure in this society; Belize is failing in its compliance with all these Articles according to some NGOs.*

The state does not fulfil its obligation to provide child-care, social security, an adequate standard of living and basic children's needs to those many poor parents who are cannot do so, although Youth for the Future runs a job creation enterprise unit to help some young men. NGOs play their small part: YES provides food to its young mother clientele. YWCA provides child-care and training for child-care providers. WIN's campaign over several years successfully led to a law establishing \$2.25 minimum wage for domestic workers, shop assistants and all other women.<sup>20</sup> In Toledo, Plenty is in partnership with Sustainable Harvest International working with cacao farmers to develop sustainable, organic agro-forestry. 130 farmers in 15 communities are now increasing their income while protecting the environment through organic farming.

According to UNICEF's *State of the World's Children 2004*, the average annual income (per capita GNI) in Belize is \$5920 [US\$2960]. A banana worker can earn as little as \$15 per day, which, if he worked 6 days week for 52 weeks of the year, would total a gross \$4680pa. The international Ethical Trading Initiative, to which Fyffes Bananas is a signatory, stipulates that workers should receive a living wage. Although there are no definitions of what constitutes a living wage in Belize, a banana worker's income might be considered a fortune by a poor Maya family in the village of San Jose in Toledo, where the cash income is estimated to be about \$900pa.

People's sense of security is weakened daily by increasing poverty, high unemployment, particularly of young people, and reports of economic ills. Social and economic rights are jeopardised by privatisation - which violates the right of ownership of the country's wealth by taking away the possibility of influencing the use of resources for the country's good, and by high borrowing - the future of Belize's children is being mortgaged to repay huge loans.

<sup>18</sup> see Appendix C for resolutions from Youth Parliament in September 2003

<sup>19</sup> see Appendix E on Cowpen in the banana belt

<sup>20</sup> The organization has not been able to effectively monitor implementation, and cannot say how widely the government has promoted this minimum wage with employers.

## VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

### Education

*Article 28: State provides education for all at primary level, encourages higher levels, ensures school discipline respects human dignity, combats ignorance and illiteracy. Article 29: Aims of education to develop child's personality and talents, prepare for active adult life, foster respect for human rights and cultural and national values of self, family and others. Article 31: State recognizes right to rest and leisure, play and recreation, participation in cultural and artistic life*

*Committee 1999 **grave concern:** widespread practice of corporal punishment. Committee 1999 concern: drop-outs, lack of training materials; poorly maintained and equipped schools; shortage of books and materials; limited number of trained teachers; lack of play and recreation spaces; lack of attention to non-English-speaking children; lack of home play and leisure for under-2s. Committee 1999 recommendation: take all appropriate measures to prohibit corporal punishment; improve access and quality; promote attendance; ensure rest and leisure, play and recreation; reflect multicultural and ethnic diversity; do studies to lead to policies on mother/child play interaction.*

*The reality: pre-schools are private; registration and other fees make compulsory education neither free of charge at point of entry nor equally accessible to all children; corporal punishment is sanctioned in law, with widely-disregarded limitations; violence in schools is widespread, many schools are not child-friendly places; pregnant students are expelled; opportunities for those who don't go to high school are limited; there is no Schools Inspectorate; all the Committee's 1999 concerns remain*

*Pre-schools:* In 2001/2 there were 99 private pre-schools catering to 3773 children.<sup>21</sup> They are beyond the means of poor parents. The YWCA has run a pre-school programme in Belize City since the 1960s for 3 to 5-year-olds, with a current enrolment of almost 200. Since 1997 it has supported a pre-school in Gales Point, a rural community in Belize District. It is hoped that the March 2004 draft Integrated Early Childhood Development Policy will be adopted this year, and will contribute to improved provision of pre-schools.

*Access:* Compulsory education in Belize is primary education for those aged 5 to 14 or to the age at which they complete Standard 6, whichever is earlier. The state has no obligation to continue educating children who complete Standard 6 younger than 14 or those older than 14 who have not completed Standard 6. Tuition is free but the almost universal registration fee and a raft of other fees make compulsory education neither free of charge nor equally accessible to all children. Access to high school is considered to be for the privileged. High school is not compulsory and acceptance is dependent on good grades, which is no incentive for low-performing primary school children to even complete their compulsory education. Poor children who do not achieve high PSE grades cannot access high school scholarships. A mark of progress in Toledo is that school buses are now provided for high school students from some villages. 60.4% of children aged 13 to 16 were enrolled in high school according to PAR.

*Primary school:* Despite some progress, all the concerns expressed by the Committee in 1999 remain. Several NGOs expressed their sadness and anger at how they saw the educational system failing so many children, leaving them discarded from the path to a healthy, fulfilling life, floating on the river of "no-opportunity". In 1998/9 46% of those primary school children who entered Infant 1 did not complete their compulsory education "in due course" because they had repeated levels or dropped out. As a result, the MoE introduced many measures to improve educational opportunities for children – including the Language Support programme for Infant 1 teachers (in 3 districts), School Community Liaison Service for attendance, the School Warden Scheme for safety (in Belize City only), the School Health and Physical Education Service (SHAPES) for healthy, child-friendly schools, Maya and African History introduced into the curriculum, shift systems so that more children can attend high school, more scholarships for high school, development of CETS, teacher-training at the University. Expectations were high, but initiatives failed to meet them. The Language Support programme was terminated; the SCLO service has had limited success, with underskilled and overworked staff and a lack of resources; SHAPES has been dismantled; there are few vocational opportunities; children cannot attend a CET until they are 15.

Primary school completion rates worsened in 2000/01, with 67.3% of students failing to complete because of repetition or "inability to complete". In 2003/4, 49.9% of primary and 64.7% of secondary teachers were untrained, with the

<sup>21</sup> *Abstract of Statistics 2003 Table 4.4*

highest rates in Toledo. The provision of text books remains unsatisfactory, SCLOs saying that this year they have had far fewer text books supplied for needy children than in previous years. PAR calculates that \$444 is the annual cost of primary school (\$1006 for high school), which is beyond the means of poor, rural families with many children. Government assistance for some children is \$130pa per child. Children are thus forced to work to pay for their education. More girls are pursuing their education but the pressure on teenage girls to sell their bodies for school fees is unacceptable.

Disabled children and those with special needs are particularly excluded, as are immigrant children. Catholic schools have reportedly started requiring parents to present proof of their legal status in the Belize; if they cannot, the child cannot go to school. The children in illegal Guatemalans settlements in the Chiquibul forest reserve have no access to school, victims of the political dispute between Guatemala and Belize, neither of whom is prepared to resolve the problem.

Absenteeism is the hidden face of under-achievement, and affects the children who attend school as well as those who don't. There is no instrument to show the impact of the SCLO programme to get unenrolled and absent children into and staying in school. Absenteeism/attendance should be a key national educational indicator.

Parents find many barriers to sending their children to school, within the educational system itself – language, religious discrimination, scant sympathy for poverty, lack of access to information about where to get assistance. Students are denied access to education for a myriad of reasons: no language integration, no uniform, no shoes, no books, no pencil, for arriving late, teacher absences, being suspended, expelled, put on the transfer list as a disciplinary measure, for fees unpaid, for exam fees unpaid, which leads to not having a report card, which leads to suspension. Children are punished for being poor.

*Quality:* Belize has a long way to go to achieve universal, free education of good quality by 2015. Lack of teacher training, lack of books, lack of effective partnerships between schools and parents, lack of child-friendly schools – all these must be addressed urgently to improve the quality of education..

*Vocational education:* Primary schools don't and can't provide vocational training and guidance, and children who drop out of primary school or do not enter high school have few options. For so many children, PSE is effectively the end of their development. CETS only admit students at 15, which leaves an idle gap after primary school. There are few vocational schools in the country but one encouraging initiative is the establishment of Tumul Kin Center of Learning, an NGO residential program in Toledo established in 2002 in response to the high poverty rate among the Maya people of Toledo; high levels of unemployment among young people; lack of educational opportunities for rural youth and the lack of culturally relevant education. It targets students who do not generally go on to high school and has grown from 7 students in 2002 to 20 students in 2004.

YWCA annually targets 45 at risk young women of 13 to 18 mainly from Belize City and, since 1993, their Helping Early Leavers' Programme has offered training in life skills, sewing, hospitality services, cosmetology. Some girls pursue their studies to sit entrance examinations for high school or to improve their general academic skills. Recently YWCA has seen an increase in the numbers of immigrant, Spanish-speaking girls who have not had primary school education. YWCA's annual summer programme caters to about 300 children. YES offers vocational training and alternative schooling to young women in Belize City and nearby villages who have dropped out of school.

YMCA has consistently provided alternative educational programmes to disadvantaged children and adolescents, most of them female, from Belize City and some nearby villages. Summer programmes have catered for over 284 children aged from 3 to 15. All told, over 2,500 children and adolescents per year have benefited from YMCA's vacation and education programmes since 1986, and over 45,000 have been served both directly and indirectly. Over 120 children currently participate in their Top Achievers after-school programme in 2 Belize City primary schools. The YMCA Club programme has successfully worked with high school students to give service in the hospital, help organize Top Achievers activities, volunteer for Global Youth Service Day etc. YMCA also works with Youth for the Future's clients who are disadvantaged youth, to provide training in personal development, conflict resolution and time and anger management. In 1996 they introduced an alternative remedial education program to help students pass the PSE and ran a programme for juveniles in prison, all of whom either went to high school, to Centre for Employment Training or found employment. The need for more programmes like this is great.

*BFLA's youth group's main concern was the level of school-dropout among their peers. They said that girls drop out of school because of pregnancy, financial situation of the family, pressure by peers and sometimes from intimate partner. In the case of boys they said: lack of family support, disrespect shown towards them by peers, family members and society, economic situation of the family and the perceived opportunities "out there" to make fast money.*

*Corporal punishment (also see Article 19 page 13 and Article 37a page 10):* Protection from violence was one of the top 3 votes in the 1998 children's election but HRCB's 2000 survey on child-friendly schools found little evidence of steps taken in policy or practice to create a non-violent environment in primary schools. Belize's position is not in compliance with Article 28. An example of unchanging attitudes manifested itself when, in 1999, the draft Education Rules had excluded corporal punishment. The teachers' union pressed for its reinstatement and corporal punishment was signed into Education law in August 2000<sup>22</sup>. Although the law restricts its use to Principals or a designated teacher, it is regularly broken by teachers using physical violence against schoolchildren with impunity. Many parents are afraid of complaining as it puts their child at risk of worse treatment by the teacher. A teacher in a village school has described how her peers criticise her constantly for not using corporal punishment in her classroom. MoE guidelines to teachers (predating the 2000 Education Rules) stated that: "For serious and repeated offences, corporal punishment may be administered as a last resort by principal teacher, or by a senior member of staff under the principal teacher's authorization, provided that any corporal punishment administered shall not be excessive. ... Corporal punishment should never be used as a teaching/learning tool. ... If it is proven to the satisfaction of the Chief Education Officer that a teacher has exceeded his authority under this rule, he shall be liable to disciplinary action which may include the suspension of his licence".

*"change all the violent teachers"  
(11-year-old girl, when asked what should change to make school a nicer place, 2000)*

The MoE has admitted that it only documents and investigates cases where there is "extreme" need to intervene, that is when the child has been so badly hurt that it cannot be overlooked.

There are no written guidelines issued by the MoE pre-school and special education units regulating the use of corporal punishment for pre-school age children nor for special needs children in either special or mainstream schools. MoE officers disagree on whether parents have the right to insist that schools do not corporally punish their children, although some parents have had sufficient influence to have their demands accepted. (Note that section 39 (1) (b) of the Criminal Code implies that a parent does have that right.) There is no independent complaints system for either children or parents. Views from MoE senior officials include "Schools can do what they want"; "[administering of corporal punishment] depends on the Principals, the school management, the teachers"; "We rely on parents to complain". Some teachers are said to comply with parents' requests to lash their children. Children told us that some schools regularly call in the local police to beat children.

Some children stay away from school because of corporal punishment and many feel unprotected from physical and emotional violence at school. Violence and disrespect in school were the major dislikes of the majority of the children in HRCB's survey. Violence can thus be considered a major obstacle to successful completion of compulsory education.

*Literacy:* The literacy rate has dropped from the 90s to the 70s. There is no question that schools are failing to enable all students to become fully functionally literate in English or their home language. There is no systematic bilingual or ESL education in schools. Tiny children are expected to operate in English, an unknown language to many. Sympathetic teachers will use the children's home language but lack the training to make the transition to effective teaching of and in English. In 2001, MoE introduced a Language Support Program to assist Infant teachers but closed it in 2003, to be replaced by a reading programme. The Anglican schools management has introduced an Infant 1 reading programme to support literacy, with regular teacher training, which has markedly improved performance in the last year.

The MoE Communication Skills Programme runs the government literacy programme. YMCA and YWCA both provide literacy and ESL classes in Belize City and the YWCA offers daily lunchtime walk-in remedial education to primary school children in Gales Point, a rural village, to assist their reading, math, English and homework. Cornerstone conducts a limited summer jump start program for those entering Infant 1 in the autumn and who not speak any English.

<sup>22</sup> *Education Rules 2000 Para 141*



*Human rights education:* Belize has neither a national Human Rights policy nor a national Human Rights Education policy to provide the framework for introducing children's rights into the new national curriculum for primary schools in the middle/late 90s. HRCB assisted in developing the children's rights component in the upper division curriculum and, in 2000 and 2001, facilitated training for about 750 primary school teachers in human rights and teaching human rights. It has not been extended throughout the educational system as the state report says. The CRC has had relatively little impact on education law, policy and practice. School managements and teachers, not the MoE, have the biggest influence on the reality of curricula delivery and teaching approaches. Lack of human rights education for teachers deprives children of human rights education.

The NGO SPEAR has a long history of advocating for political reform and good governance. It has now embarked on a two-year civic education programme in collaboration with the MED and MoE, targeted at schools students and the general public. In researching the level of civic education in the current curriculum, SPEAR found a remarkable level of agreement among those interviewed (school managers, teachers, and persons who influence policy) that, to a large extent, the primary school social studies curriculum does not address the essentials of "good governance" which form the bedrock of civic education. SPEAR's found that children's rights education is only specified for the lower division<sup>23</sup>. It is hoped that SPEAR's civic education project will influence the growth of a comprehensive approach to including human rights education throughout the curricula.

### **Pregnant students**

This concern relates to the general principles of non-discrimination, best interests of the child, right to survival and development, to health, to standard of living among other rights.

Belize continues to report relatively high incidence of teenage pregnancy. The Total Fertility Rate continues to slowly decline, from 3.7 in 1998 to 3.5 in 2001 to 3.4 in 2002. But the high proportion of babies born to young unmarried women in 2002 confirms NGOs' concerns for the welfare of babies and child mothers: 20 times as many babies were born to unmarried as to married under-15s; over 3 times as many to unmarried teenagers from 15 to 19, and under twice as many to unmarried women of 20 to 24. In 1998, 1267 births (of 6,844) were to girls 19 years and younger, in 2001, 1303 (of 7215) and in 2002, 1259 (of 7356). The total number of girls who were students at the time of pregnancy is not known, and it is difficult to find data to indicate what the outcomes were. What is known is that pregnant students are expelled or suspended, depending on their age, thus being denied their right to education and to have a sound education to prepare for an active adult life and the enhanced well being of the unborn child. If girls are allowed back to school after the birth of the baby, it is on a case-by-case basis rather than in accordance with law or written policy.

Another abuse of teenage girls' rights is occurring in Ecumenical High School in Dangriga, where pregnancy tests have been requested for the fourth form students about two months prior to graduation. If the test is positive the student is being expelled. The Belize City Pallotti High School Handbook states that the principal reserves the right to have any student do a pregnancy test or any other procedure to prove or disprove any suspicion that may exist.

*Play, leisure, recreation, artistic and cultural activities:* HRCB's 2000 survey found that, for most children, the most important aspect of school life was the social environment, providing them space and freedom to play, have fun and be with their friends. If they were happy in the playground, they were more open to learning in the classroom. Parents, on the other hand, want to see their children sitting in the classroom "learning". Parental attitudes translate into few opportunities for play at home. Single working mothers without maintenance do not have time to breastfeed their children, let alone play with them and spend leisure time with them.

There are few facilities for recreation and leisure, motor skill development, healthy play and other environments different to home and school. School yards are left vacant and unused when teachers go home, children are left to roam the streets unsupervised, wasting time until their parents get home from work, at risk. As a result of hanging out, children get involved early in stealing, violence, trying out drugs and alcohol. During schooltime, playgrounds empty of equipment or facilities to stimulate children are places for children to fight and stone each other.

<sup>23</sup> National Curriculum (Social Studies): SS3.a Understand how their rights as children are protected (lower division). How the government of Belize is organized in order to provide for the needs of the people (middle division). Understand the major features of local and central government (upper division).

NGOs are concerned that schools are still being built without enough outside space devoted to play and recreation. Physical education opportunities are restricted by the fact that most primary teachers are female, without physical education experience or training themselves. Girls' sports are rarely found in schools, with most girls playing boys' sports such as football. Some girls are prevented from participating in physical education because of their family's religious beliefs.

YMCA's experience is that, where there is limited space, it is easier to provide educational and recreational opportunities for girls than boys, as boys are very mobile and energetic and require a lot of space. YMCA has a programme of free family fun days, kite making sessions etc. YWCA has one of the few public swimming pools in the country and thousands of children over the years have learned to swim and have fun there. Lifeguards have been trained. Unfortunately lack of funding has closed the pool for most of 2004.

## VIII. SPECIAL PROTECTION MEASURES

### Refugees

*Article 22: State ensures protection of refugee children*

*The reality: Belize does not ensure protection of refugees, irrespective of age; it treats them as criminals*

Since 1998, when UNHCR closed its office here, there has been no mechanism for people to apply for recognition of refugee status and political asylum. Belize is thus contravening the 1951 Convention on Refugees and the Belize Refugee Act. The latter is considered to be one of the better pieces of protection legislation for refugees in Central America, but has not been applied for 5 years, despite promises of compliance by the Prime Minister to UNHCR's Regional Director in 2003, and by the Minister of National Security.

Some well-settled refugee families still have documentation problems. Discrimination and discriminatory attitudes against refugees and, by extension, against any Central American immigrant, are widespread. Guatemalans are particularly targeted.

It is not known how many potential asylum seekers have been imprisoned and/or deported as illegal immigrants, other than well-publicised cases of Cubans. Though there are no documented reports of children having arrived seeking refugee status, it is public knowledge that on 23 November 2001 three Haitian minors, aged 12 and 14, arrived in Belize as stowaways on a freighter and immigration officials returned them to the ship's captain without consideration for due process. After the event, Channel 5, a TV station, contacted Help for Progress, which represents UNHCR in Belize, expressing concern for the children's welfare. Help for Progress contacted an NGO in Puerto Cortez, Honduras, the next known destination of the freighter, to check on the boys, but they were not on board when the ship arrived. Senior Immigration Officer Edwin Gillett told News 5 "that it was his department's responsibility to get the illegal immigrants back aboard the ship as soon as possible, and it is the ship captain's responsibility to ensure that his passengers [sic] return home." NOPCAN ascertained that no Belizean official had taken any steps to ensure the boys' safety.

If Cuban children were to arrive by boat, as adults have done in recent years, they would be at risk of being deported in the same boat, with scant official regard for safety. A recent agreement between Belize and Cuba would make it much more difficult for a Cuban to claim asylum here, even if there were a functioning mechanism.

### Immigrants

*The reality: illegal immigrants are criminals. Central American immigrants routinely face open discrimination. NCFC identified lack of legislation dealing with the rights of children of migrant workers and illegal immigrants; Education Rules 2000 para 110 ((4) discriminates against children of illegal immigrants by giving first priority for space to citizens.*

The six-week Amnesty for undocumented immigrants in 1999 was characterized by an increase in police checkpoints on the roads between immigrant villages and the registration points in towns, deterring many from making the journey to register. There was very little information about the process available in Spanish and applicants often had to make repeated, and expensive, journeys to the registration point to fulfil all the requirement.

Since 9/11, the USA has pressured Central American countries to take measures to stem the flow of prospective migrants northwards. Traditional routes through Guatemala and Mexico have been militarised, and immigrants look for other routes, such as through Belize. Illegal entry is treated under old colonial law as a criminal offence, unlike in neighbouring countries and, as a result, Belize does not have a humanitarian approach to migrants. In the past, those

caught were fined or, if they could not pay the fine, sent to prison for 6 months; they were issued with an Order to Leave, with a time limit. Now, they are deported by the authorities as means are available, which can lead to their being imprisoned well past 6 months, particularly those who are “extra-regional”, ie, from outside Central America.

Increased activity to prevent migration and trafficking has led to minors being detained in prison for illegal entry. Their Embassies are not always notified as required. The CRD and NCFC have made attempts to sensitise professionals to the needs of possible victims of trafficking and not to send them to prison.

(See *trafficking* p 30)

### **Emergencies**

*The reality: Belize has had three hurricane emergencies since 1998 but the National Emergency Management Organization has not yet developed comprehensive child-specific emergency responses*

NEMO’s child-specific measures only apply to disabled children and those in institutions, with designated shelters for children from Stella Maris school, the Youth Hostel and Youth Cadet Corps. Teachers have instructions on how to care for children whose parents are not available. Minors in prison are apparently released for the duration of the emergency and required to return voluntarily. After Hurricane Keith, which hit the northern Cayes in November 2000, some evacuee children did not go to school for many weeks as local Principals were reluctant to make space for them. After Hurricane Iris hit southern Belize in 2001, most children in Toledo remained in their villages. Their education was disrupted because schools were either damaged by the hurricane or were being used as shelters for the village population but there was a push to ensure schools reopened as quickly as possible. MHD organized ad hoc crisis response teams to provide psycho-social support to teachers and children to deal with post-traumatic stress and related disorders.

### **Children in armed conflict**

*Article 38: State protects children from and in armed conflict; Optional Protocol on the involvement of children in armed conflict. Committee 1999 concern: State proposal to establish 16 years as minimum age for conscription.*

*Committee 199 recommendation: Set 18 as minimum age for conscription.*

*The reality: no one imagines Belize will ever be in a situation of armed conflict but 16 and 17-year-olds are at risk of voluntary recruitment.*

There is no set legal age for conscription and Belize informed the Committee in 1999 of their proposal to set it at 16. With ratification of the Optional Protocol, it should be enacted that the minimum age is now 18 for military conscription. The age for voluntary enlistment is 18 according to the Defence Act (s.16.2) and recruitment advertisements echo this 18. However, Belize entered a declaration Optional Protocol lowering the age of voluntary enlistment to 16. This would seem to be a reduction in protection for minors from military service..

### **Children involved with the system of administration of juvenile justice**

*Article 37: Protection from torture etc; deprivation of liberty in conformity with law; in detention: right to humane treatment and separation from adults, prompt access to legal/other assistance. Article 39 - rehabilitative care*

*Article 40 – wide-ranging protection for those within the justice system*

*The reality: police brutality and misconduct is taken for granted; rights are routinely violated in relation to questioning, access to parents and lawyers, separation from adults held in police cells; flogging by tamarind whipping for some prisoner offences was reintroduced in 2001 but no reports have been received since 2002; young black men are “profiled” and targeted by police; the majority of under-18s are not represented in court; minors continue to be detained with adults; children can be detained for the status offence of uncontrollable behaviour; Embassies have not been notified of detained minors; a bleak future greets many after prison.*

HRCB considers that in many ways, Belize has the proper framework to ensure effective policing that respects human rights<sup>24</sup>. However, despite repeated announcements over the years by the BPD of a “zero-tolerance” policy, police abuse continues, seemingly unchecked. Complaints against the BPD have topped the Ombudsman’s list for several years and are a regular feature of HRCB’s casework, including violations of the rights of children.

The Certified Institutions (Children’s Reformation) Act allows parents to send their child to a juvenile detention centre known as the Youth Hostel, for being “out of control”. In 2003, over 400 children and adolescents went to court

<sup>24</sup> “Human Rights for All. Responding to police abuses in Belize” HRCB/Aug 2002

for this status offence. The Youth Hostel was relocated some years ago from Belize City to a remote place at 21 miles on the Western Highway, in contravention of s. 21 of the 1990 Rules which requires that as much contact as possible be maintained between children and community to enable children's rehabilitation. Children were removed from being in a community which sometimes reported suspected abuse. In 2002 there was such concern about the systematic harsh punishment of children at the Youth Hostel that NGO human rights monitors were called in. At one stage all the girls held there were said to have absconded. Absconders as young as 12 are detained in Hattieville prison. Corporal punishment and harsh treatment of children at the Youth Hostel persist, despite official efforts to forbid it and train staff. There have been reports that Youth Hostel staff take children to local police for a good beating.

HRCB has discovered and investigated several cases over the years of minors not being separated from adults at Hattieville prison. The authorities used to routinely deny it but then started to justify it on the grounds that they only put men in with the under-18s who were at risk from other male prisoners. In 2003 the private management company, Kolbe Foundation, completed construction of a separate facility for juveniles, within the prison fence but outside the main male compound. It seems to have been built for a huge expansion in numbers, with room for up to 200 youngsters. On 3 June 2004 there were 58 juveniles there, held with some convicted adults who have been appointed "prefects". There are no facilities to separate young girls from adult female prisoners. Magistrates do not always comply with their obligation to call CRD when a minor comes to court, and it is of considerable concern that minors then end up in prison. In a concerted move to keep minors out of prison, CRD promotes and supervises alternative sentences such as probation and community service orders but with scarce human and material resources, this programme is developing very slowly.

Prospects of employment and social reintegration on release are virtually non-existent for minors, and the assumption is that once a boy has been to Hattieville he will keep on returning there. A "criminal" is last on the list for any kind of job. In an attempt to address this, a new educational facility has just opened at the prison, sponsored by Rotary. The Alcalde courts can impose forced labour as punishment and can hold prisoners in the village. A study of Alcalde court sentencing and imprisonment practices would determine compliance with the CRC.

### **Protecting children from economic exploitation, child labour, drugs, sexual exploitation and abuse, abduction, trafficking**

*Article 32: State ensures protection of children from economic exploitation and hazardous work. Committee 1999 concern: children working in the banana industry. Committee 1999 recommendation: monitoring mechanisms to protect children from economic exploitation; study on children in hazardous work; ratification of ILO 138.*

*Article 33: State protects children from drug use, production and trafficking. Article 34: State protects children from all forms of sexual exploitation and sexual abuse. Committee 1999 concern: high drug and substance abuse; lack of legal provisions; limited programmes and services. Committee 1999 recommendation: protect children from use, prevent involvement in production and trafficking; support rehabilitation programmes Article 34: State protects children from all sexual abuse and exploitation*

*Article 35: State takes all measures to prevent abduction, sale and trafficking of children. Article 36L State protects children against all other forms of exploitation. OP on Sale of Children, Child Prostitution and Child Pornography*

### **Economic exploitation and child labour (Art 32)**

*The reality: many children work, not just helping with a few household chores, but working long hours, often unpaid, missing and dropping out of school, being abused. Parents and poverty are the main reasons. Unfriendly schools do not attract working children to return to fulltime study. Belize has ratified ILO138.*

The high rate of poverty among children means that two out of every five children do not have their basic food and non-food needs met. This has serious implications including malnutrition, school absenteeism and dropout, and child labour and its worst forms. The ILO/IPEC study on child labour in 2001, the Child Activity Survey (CAS), indicates that 77.3% of 5 to 17 year olds are working, of whom 14% are economically active and 97.4% are non-economically active<sup>25</sup>. 59% of economically active children are in child labour. For children in economic activities, 53% are attending school and working an average of 4 hours per day, but 95% say that their work does not affect their school attendance or studies. 75% are in rural areas and 30% in Toledo. In Toledo 54% of economically active children are in hazardous work. The report also notes that 0.5% of children had their spouse or partner answering the survey as the responsible adult in their household.

NOPCAN's year-long Corozal Child Labour Project in 2000/1, HRCB's survey in 2000 of 939 primary school children, 319 parents and 213 teachers and principals to investigate absenteeism and how schools could be more child-friendly to attract children to stay in school, and the ILO/IPEC study, all confirm the reasons for and impact of children

<sup>25</sup> *National Report on the Results of the Child Activity Survey in Belize*, ILO/2003, page xviii

working, including child labour. Poverty and parental attitudes were identified as two major reasons for child work and labour and hence absenteeism from school, low school performance, early drop out, lack of opportunities, vulnerability to yet more exploitation, early pregnancy, drugs, among other abuses. Abolishing primary school registration fees, providing free text books and free nutritious school meals could go a long way to reducing child work and labour.

### **Drugs (Art 33)**

*The reality: The National Drug Abuse Control Council educates youth and provides counselling to both adults and youth who seek assistance, but offer nothing to those who do not seek assistance. Courts do not mandate counselling for the protection and benefit of children. Both rum and crack are inexpensive. Drugs are the main cause by far of all court cases.*

As none of the NGOs submitting this report deal directly with drug issues, there was no information given, other than that many of their vulnerable young clients live in environments of drug abuse and its dangers.

### **Sexual exploitation and abuse, child pornography**

*The reality: not really known. Only the small tip of a possibly large iceberg has emerged. Belize was scandalised 2 or 3 years ago to learn that a Belizean child had appeared on a child pornography website; recently, some American men in Toledo have been charged with offences relating to pornography; the training of child protection officers, particularly police, immigration and customs is urgently needed, as is awareness raising for children about predators and their tactics. The UNICEF study of commercial sex work in 2000/1 was not published.*

Based on information from over 1100 girls from 1989 to 2003, YES describes a prevalent situation amongst young women, including high school students, to rely on an older man for financial support, an exploitative relationship in itself and one that can lead to physically abusive situations. These men pay for school fees, and often assist with the girl's personal needs (food, clothing, shelter) in exchange for sex under the guise of a relationship. Families often encourage the relationships in order to acquire much-needed funds. Though these girls are minors and if the men are reported they could go to jail, little is done to address the root of the problem. YES offers counselling to encourage appropriate relationship practices and some scholarships to assist those difficult financial situations. Both Case Western University's study for NOPCAN and UNICEF's study on sex workers in 2000 confirmed the prevalence and NOPCAN and other NGOs all say that it is on the increase.

There are fears that the huge increase in day visitors from cruise ships is leading to an increase in sex tourism, including pornography and prostitution, and this needs urgent investigation and prevention. More children, even those in school uniform, are "begging" when they see someone they think is a tourist: "Gimme one shilling", "\$5 for a photograph." Children do not realise that they are opening themselves up to the possibility of being abused. The Belize Tourism Board should conduct training programmes for all workers in the tourism industry to be aware of their duty to protect children rather than assist those wishing to exploit children.

The study to be conducted by Juan Miguel Petit for the International Office of Migration in 2004 will contribute to the sum of knowledge in Belize about this kind of abuse.

### **Trafficking in persons**

*The reality: we don't really know. There is no NGO monitoring and documenting. Since the Trafficking Act was passed, female minors have been imprisoned as illegal immigrants. There are no residential care centres or other support services for trafficking victims.*

The Trafficking in Persons (Prohibition) Act, 2003, which came into force on 1 August 2003, is very wide-ranging, includes special protection for children and a proviso that a victim of trafficking is not criminally liable for any immigration-related offence.<sup>26</sup> The Act also gives effect to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children; it provides for statistics to be published each December. A Task Force chaired by the Ambassador for Gender, Children and HIV/AIDS is responsible for oversight of the Act and an evaluation of the effectiveness of the Act in protecting children is crucial.

<sup>26</sup> *Trafficking Act s.III.18: "In implementing any provision of the Act, special consideration shall be given to trafficking victims who are children, in a manner that is in the child's best interests and appropriate to the situation."*

*s.II.10: "A victim of trafficking in persons is not criminally liable for any immigration-related offence, or any other criminal offence that is a direct result of being trafficked."*

Trafficking routes are known. For example, people in Melchor, Guatemala, regularly, for \$20, guide migrants across the border river. It is considered inconceivable that traffickers using the official entry points could easily operate without bribing an official to allow entry to persons without documents. Central American parents resident in the USA reportedly use traffickers to bring their children for family reunification.

There is concern that not enough attention is paid to the possible trafficking element of arrivals by minors who are apprehended as illegal immigrants, and that measures taken to “protect” minors can lead to other abuses, such as having no representation in court, being incarcerated in prison with adults, separated from parent, deported without parents’ knowledge. Despite some training of police, immigration and customs officers, there are examples of a lack of sensitivity to the plight of young people. Officials tend to see them as culprits rather than victims. In 2004, two young girls were held for 2 nights in a Belmopan police cell, as police officers obstructed the efforts of the social worker to release them into the care of the children’s home. In June 2004, two other young girls were held in Hattieville for about 3 weeks before being released by order of the Chief Justice. Official punitive response is in danger of making trafficked minors victims twice over.

### **Children belonging to a minority or indigenous group**

#### *Article 30: Right to enjoy own culture, religion, language*

With traditional family pressures on girls to learn from puberty how to be good wives and mothers and to marry early, many leave school early or under-achieve: many Maya girls in remote villages are reported not to have reached beyond Std 3 or 4 by the time they reach 14, the end of compulsory education. More girls, however, are going to high school, feeling more confident about speaking up, and delaying marriage until they are older. A group of 12 to 15-year-old Maya boys and girls in San Jose were all as surprised at the low legal age of marriage as their peers in other parts of the country, and considered it an obstacle to their continuing education. Maya children, as all other children in Belize, are not encouraged to develop their own language in a English-language school system. A new project to introduce Maya and African history into the primary school curriculum is, however, an attempt to educate the nation about the importance of indigenous cultures in Belize.

Health issues are of major concern. Some villages never receive visits from health workers. Many villages remain without access to safe water and their representations to the highest level of government remain ignored. In one village, San Jose, 2 hours drive from Punta Gorda, the brand new water supply system broke down within weeks was still not repaired over 6 months later. Water contamination in villages is prevalent, there being no regulation of where women wash dishes, wash clothes and draw water. Many skin problems erupt in the dry season in particular. Teenage pregnancy is also a concern.

Alcoholism in Belize’s indigenous Maya population contributes to a pattern of widespread domestic violence and a women’s group worker tells of Maya women running into the bushes with their children to escape beatings. There is nowhere else for them to run. The same worker notices signs of more Maya girls marrying “out” – choosing Garifuna or East Indian husbands in order to escape domestic violence in their villages. Prostitution is said to be becoming another escape route from domestic violence.

A pattern is also seen of increasing numbers of single mothers in the Maya villages when husbands who are working away from the village (“job-out”) do not return. These single mothers then suffer discrimination in their own communities, notably by being fined by the Alcalde as they do not have a man to participate in the fahina – the regular village clean-up day.

Opportunities for participation and socialization for women and girls are restricted. Older women remain silent at meetings with men; women do not vote in village elections. Young boys socialize at the river; girls cannot. Girls who happily kick a football around at school do not do so outside school.

Cultural activities for children must be about valuing customs, not displaying costumes. NGOs see many children performing cultural routines at adult events and are concerned that it is merely cultural tokenism. Schools could do much more to promote racial and cultural tolerance and understanding, and to provide opportunities for children and adolescents to learn about their own culture and language.

## CONCLUSION

There are children in Belize who are keenly aware of their rights and those of others. There are people in families, communities, services, Government and throughout Belize who do the best they can to respect the rights of children and adolescents, despite considerable obstacles. They are in the minority. But there is growing understanding that human rights are an integral part of human and national development, and that children's rights are human rights.

Belize has made slow progress in implementing the CRC so that children and adolescents benefit in a practical way. Many children and adolescents suffer the effects of discrimination, poverty, violence, inequality, lack of participation. Priority must be given to funding speedy implementation of policies so that children and adolescents have hope that their lives are improving. There is much work to be done to ensure that the progress of the last 12 years in promoting the CRC is not lost.

We thank the UN Committee on the Rights of the Child for giving us this opportunity to review and reflect on the situation of children and adolescents in Belize and to present this report. We thank the members of the Committee for your caring and commitment to the wellbeing of children and young people everywhere.

### *Case study*

*Wed 24 April 2002. "I reached the town entrance just after 9 to watch. Police say if people don't move they will use force. Police pushed me by a car – he grabbed my shoulder and shoved me. I ran to basketball court as I didn't want to get caught by police, then went back and got caught by teargas. I heard police shoot, I thought they were trying to move another bunch of people away. Then I felt a big burst on my chest. I couldn't breathe. I tried hard to breathe in. I ran up the hill and stopped by a friend's house; I couldn't see already, it was dark. I don't know who grabbed me and carried me up; the next person put me over his shoulder and I screamed as it hurt me where my ribs were broken. I was in the back of a pick-up. It was hard to breathe. I felt cold. Blood was coming out of the little [bullet] hole like a pump. I had pain in all my body. I was very frightened as I thought I would be dead. [the church bells rang in Benque to announce this boy's death]. At hospital had blood and a drip and started to see again."*

*Marcos, 15*