

29 July 2023



Belize Trans Colors' (BTC) Submission to the UN Universal Periodic Review for Belize

This report is submitted by Belize Trans Colors (BTC), a local trans human rights organization formed in 2018. BTC's mission is to empower the Belize trans population by pursuing the protection of trans rights and a society built on respect for dignity, justice and equity for all.

Webpage: <https://www.facebook.com/BZTransColors/>

Email: belizetranscolors4all@gmail.com

Report on Belize - 45th Session of Universal Periodic Review Working Group – June 2023

1. This report is submitted by Belize Trans Colors (BTC), a local trans human rights organization formed in 2018. BTC's mission is to empower the Belize trans population by pursuing the protection of trans rights and a society built on respect for dignity, justice and equity for all. BTC receives technical support from the Global Action for Trans Equality (GATE), an international advocacy organization working towards justice and equality for trans, gender diverse, and intersex (TGDI) communities.¹ A focus group approach was used to collect information to inform the organization's report for Belize over a period of two weeks across four of six districts. This approach allowed the organization to document first hand incidents of discrimination and violence, and was complemented with a desk review of laws and data around discrimination.

2. Summary

- 2.1. Trans rights issues have not been addressed by Belize since the last cycle, and prejudice and social stigma remain a part of the daily experience of transgender persons in Belize. The State has effectively erased its trans citizens from legal reform, economic and social policies, and other areas because of the assumed small size of the trans population and its invisibility in the HIV response.² Socio-economic conditions of trans Belizeans are challenging, with only 52.8% of trans respondents having completed primary or pre-primary school, or a trade certificate. 41.6% report doing sex work to generate income.³
- 2.2. The previous recommendations that the State accepted, to adopt legislation and other measures to protect trans people from discrimination, violence and abuse, and ensure equality before the law have not been implemented.⁴ In 2020, the previous UDP Government dropped their plans to introduce comprehensive anti-discrimination and hate crime legislation in the form of an Equal Opportunities Bill and a Criminal Code (Amendment) Bill.⁵

3. Protection of Gender Minorities: Belize's Legal Obligations and Framework

- 3.1. The Constitution of Belize contains a Fundamental Rights chapter which guarantees to all citizens, regardless of their race, place of origin, political opinions, colour, creed or sex, and subject to respect for the rights and freedoms of others and the public interest, the following rights: (a) life, liberty, security of the person, and the protection of the law; (b) freedom of conscience, of expression and of assembly and association; (c) protection for family life, personal privacy, the privacy of the home and other property and recognition of human dignity. Additionally, the preamble notes the Constitutions seeks to pursue the value of "gender equality", which arguably refers to a broader concept than biological males and females, and section 6(1) of the Constitution

¹ Further information about GATE's work is available on their website: <https://gate.ngo/>

² Mexico's Recommendation in the last UPR cycle, to include sexual orientation and gender identity in the collection of statistical data in order to develop policies that effectively combat violence, discrimination and harassment against lesbian, gay, bisexual, transgender and intersex persons (paragraph 77.25, A/HRC/40/14), which was accepted by the State, remains unaddressed.

³ BTC Trans Assessment of 2020 was a qualitative study that looked at the areas of justice, barriers to trans health, economic, personal and organizational needs of the community.

⁴ See Recommendations at paragraphs 77.15 to 77.25, A/HRC/40/14, 18 December 2018.

⁵ Channel 5, News 5, 'Equal Opportunities Bill Pulled', September 15 2020.

guarantees equal treatment before and under the law. Despite this, the Constitution does not explicitly acknowledge transgender populations as a category that needs protection.

- 3.2. As the Yogyakarta Principles observe, all persons, regardless of their sexual orientation or gender identity, are entitled to the full enjoyment of all human rights.
- 3.3. Despite Belize's commitment to its international human rights obligations, and the domestic constitutional guarantees outlined above, the State continues to deny legal recognition and protection for its trans population despite the prejudice, discrimination and stigma they face.
- 3.4. The State makes no provision for trans people to gain legal gender recognition, or provision to ensure that they have the option to change their gender marker in identification documents. This amplifies their vulnerability to poverty and community violence, lack of housing, limited access to education, and a lack of access to justice. Further, trans people face obstacles in accessing social security benefits as they are denied the option, legislatively, to name their beneficiary before making social security contributions.
- 3.5. The lack of legal recognition and consideration of trans rights in government policy is further illustrated by the 2030 Agenda, which aims to address poverty, but fails to consider a non-discriminatory intersectional economic plan or policy that addresses the socio-economic needs of trans persons in Belize.
- 3.6. Trans citizens remain unprotected from discrimination based on housing, education or accessing justice. For example, during interviews for this UPR report, one trans woman reported that her landlord does not like her boyfriend visiting her apartment during the day, threatening to deny her access to her apartment, arbitrarily. Another trans woman spoke of being tired of being rejected by employers and revealed that she started working for herself as a cosmetologist. Most trans persons interviewed for this report stated that they had not finished high school.
- 3.7. Belize's response to tackling HIV is also solely focused on men who have sex with men,⁶ again failing to include or consider its trans citizens in policy-making processes.
- 3.8. The State's commitment to its constitutional and international human rights obligations remains elusive after 41 years of independence. National Human Rights mechanisms such as the Ombudsman's Office remain weak and ineffective, and the burden of securing trans rights remains with trans people themselves, who frequently experience discrimination, prejudice and stigma, be it in the legal, social or political sphere.
- 3.9. **In light of the vast areas in which trans people face inadequate protection and discrimination, we recommend:**
 - a) **The explicit adoption of gender identity as a protected characteristic in the Belize Constitution.**
 - b) **The adoption of anti-discrimination legislation to protect trans citizens from discrimination in access to housing, education, healthcare, employment and other spheres of life.**
 - c) **The introduction of other legislative measures necessary to address barriers restricting trans people's access to employment, freedom of movement, family**

⁶ Caribbean Vulnerable Communities Coalition & The University of Alabama at Birmingham, 'Estimation of Key Population Size of Men Who Have Sex with Men and Transgender Women in Belize', October 2018.

support, justice, and healthcare, including a process for legal recognition of their gender.

d) The implementation of a National Human Rights Institution that is accessible to the trans population over the next two years.

The following sections below outline, additionally, specific areas in which discrimination and prejudice against trans people have been identified by BTC. We include specific recommendations that would allow Belize to meet its commitment to international human rights standards.

4. Labour protection:

4.1. The preambles to the ICCPR and the ICESCR note that signatory States should recognize that individual rights to freedom can only be achieved if conditions are created so that everyone may enjoy their economic, social and cultural rights.⁷ ICESCR Articles 9 through 14 directly speak to the right to various kinds of social security.⁸

4.2. However, trans women report difficulty in getting or keeping jobs, experiencing rejection by employers. One case documented revealed that based on community gossip alone, a trans woman was fired from a restaurant because her employer received a report by a customer that she was HIV positive. There was no administrative procedure that was available to this person, as a civil rights case was beyond the income of this individual. In another case, a trans woman shared that she became so tired of being rejected by employers, that she opened her own micro-enterprise in cosmetology.

4.3. The technical report produced by BTC in 2022, revealed that 41.6%⁹ of trans persons resort to sex work. While sex work is not technically illegal, section 4(ix) of the Summary Jurisdiction Act speaks of loitering for prostitution as a criminal offence.

4.4. **In response to trans persons' lack of labour protections, we recommend:**

a) The establishment of an easily accessible procedure to ensure that trans populations in Belize can change their gender markers in state documents at the Vital Statistics Unit.¹⁰

b) Removal of section 4(ix) of the Summary Jurisdiction Act to ensure that trans Belizeans can enjoy their economic, social, and cultural rights to their fullest as sex workers.

5. Barriers to Movement:

⁷ According to the Preambles to the ICCPR and the ICESCR, parties recognize that “in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights”.

⁸ See <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx> for full text of the ICESCR. (Last checked June 28, 2023)

⁹ BTC, (PESTLE) Political Economic Social Technological Legal Environmental 2022 assessment examines barriers of trans people in these five areas.

¹⁰ Vital Statistics is the State office, managed under the Attorney General, which deals with birth, death and marriage certificates for citizens and non-citizens alike. Their website is: <https://www.agm.gov.bz/services/associated-registries/vital-statistics-unit>

5.1. The data and first-hand accounts gathered by BTC in preparation of this UPR report show that:

- 5.1.1. 63.8% of trans respondents reported being scared while walking in public with 75% experiencing verbal harassment in the community.¹¹ Trans respondents identified most discriminatory experiences as occurring in the streets (44.4%), clubs/discos (38.9%) followed by church, the bus station, neighbours, and police stations.
- 5.1.2. A 30-year-old trans person reported that she sought to renew her passport in January 2021 and experienced administrative delays, like arriving in the morning, but never receiving attention until late in the afternoon. She reported seeing immigration staff whispering to each other about her gender identity in the state institution where passports are given out. This experience is aggravated by traditional harassment on our bus system, which remains underreported, as State mechanisms for redress remain lacking while traveling as a passenger in Belize.
- 5.1.3. In community interviews conducted, an 18-year-old trans woman reported that in early 2021 she got a job at a call centre in the Western part of the country, but lived in a village away from town. She reported that she could never get the bus on time to her village because she feared for her safety of movement. She was afraid of being abused on the way to the bus stop and while getting on the bus to get home. She was forced to quit her job three months later.
- 5.1.4. In two separate cases, trans women reported they had experienced passengers refusing to allow them to sit in the bus or refusing to sit next to them. In one case, verbal abuse occurred when a couple of women, before getting off the bus, uttered transphobic remarks, exposing the trans woman to further verbal harassment as she remained on the bus. In the second case, the trans woman was forced off the bus as a form of de-escalation by the bus conductor.

5.1.5. In response to barriers to movement, we recommend:

- a) **To develop, in coordination with other vulnerable groups, a strong national transportation policy that has zero tolerance for violence of any kind, including abuse that threatens the safety and security of trans Belizeans or any other marginalised population accessing the national bus service.**
- a) **To ensure the State develops a strong passenger complaints mechanism that addresses violent and abusive conduct in the public transportation system.**

6. Family support:

- 6.1. BTC's PESTLE assessment of 2023 revealed that while trans individuals reported that they help their households, 58.3% surveyed don't feel respected in their households, and 59.7% reported that family members made discriminatory remarks because of who they are. Despite this, 22.2% spoke of doing sex work to support family.

¹¹ Table 102, Caribbean Vulnerable Communities Coalition & The University of Alabama at Birmingham, 'Estimation of Key Population Size of Men Who Have Sex with Men and Transgender Women in Belize', October 2018.

- 6.2. For example, one 17-year-old trans youth reported that his religious mom expected that he could change with prayer. After the mother died from COVID, he was told he could no longer live in his adopted sister's house because her partner, his brother, was moving in. He was forced to move to an island off the coast of Belize and moved in with a man, who he found out later to be married. This young trans respondent eventually settled with a partner in the northern part of the country and showed signs of experiencing intimate partner violence.
- 6.3. One 18-year-old trans woman reported that she had to fight with her family for them to accept her trans identity. She eventually moved out of the family house but was able to move in with an aunt who permitted her to dress as she saw herself.
- 6.4. With no social safety net provided by the State, no legal protection against discrimination, and a very weak redress system, trans persons remain vulnerable to attacks on their dignity and rights by their families, communities, and at the State level.
- 6.5. **In response to family discrimination, we recommend:**
- a) **Revision of the Domestic Violence Act to ensure that trans populations can access court orders in all their forms at the Family Court with legal protective services to support enforcement.**
- b) **Revision of the Family and Children's Act to reflect diverse families' experiences.**

7. Access to Justice:

- 7.1. The Belize police are under no obligation to take victim statements after a crime or address trans citizens using their preferred pronouns. They have no enforceable internal policy to deal with trans victims of violence or as detainees. It is noteworthy that investigations of violence remain unresolved in the following cases:
- 7.2. An 18-year-old transgender youngster was killed in 2014 at 2:47 AM.¹² Her chosen name was Cenida Ramos. While her murder made it to the news and the US Embassy in Belize issued a statement,¹³ the culprit has never been found or identified even 8 years after her death.
- 7.3. In 2014, a trans woman was stoned and beaten by a mob in Belize City.¹⁴ She managed to escape to a pharmacy that locked its doors and provided her security. Stephen Diaz, noted at a Organization of American States thematic hearing the following: *"We remain concerned that the state has not implemented any public policies or legislation that would rectify the extreme public stigma against LGBT individuals in Belizean society or counter the homophobic speech or misinformation spread by proponents of the criminalization"*.¹⁵
- 7.4. We note that while the State has a Crime Observatory under the Minister of Home Affairs, no segregated data exists on trans victims of hate crimes and the justification given is that *"official data published by the Belize Crime Observatory comes from our respective agencies, and we are, therefore, constrained by the variables that they capture within their databases. Disaggregated*

¹² [7 News Belize, '18 Year Old Transgender Youth Killed, Was It a Hate Crime?', January 13 2014.](#)

¹³ [U.S. Department of State, 'Killing of Joseph Sanchez, an LGBT Teenager in Belize', January 16, 2014.](#)

¹⁴ [Channel 5 Belize, News 5, 'Transgender woman is stoned and beaten by an angry mob', April 9, 2014.](#)

¹⁵ [Channel 5 Belize, News 5, 'LGBT groups address Inter-American Commission for Human Rights', April 3, 2014.](#)

gender-based violence data specific to vulnerable groups in Belize is not currently available".¹⁶ This suggests that the State treating trans populations as collateral damage in its crime prevention interventions is based on deficiency of resources.

7.5. In response to the lack of access to justice, we recommend:

- a) The adoption of hate crime legislation within two years.**
- b) To design and enforce a policy for police around the treatment of transgender detainees as well as individuals who are victims of violence.**
- c) To disaggregate data regarding hate crimes against trans individuals in the state crime observatory database.**

8. Healthcare:

8.1. In 2021, the Ministry of Health, UNDP and the secretariat for the national response called for a community-led assessment of the trans population's needs. BTC was the main organizer of the meeting. While a health assessment was subsequently produced for men who have sex with men, one has still not been produced for trans populations. When attempts were made to collect data for the MSM population size estimate, trans individuals were simply treated as part of the MSM population size estimate of 2018 without regard for the distinct sub-culture and self-perception of the trans population. The result is that the population remains an after-thought in the health response.

8.2. The current Ministry of Health has no policy to enable trans people to access hormone treatment. One trans person reported taking contraceptive pills to support her gender identity and expression needs, putting her health in danger and risking aggravating side-effects. Another reported going to border state of Mexico to purchase medicine and following friend's advice who have taken treatment without medical guidance.

8.3. While it's noteworthy Belize's multi-sectoral HIV response has indicators for providing PREP, HIV testing and a package of health services, they remain at zero accomplishment in their targets to reach trans populations in Belize.

8.4. In response to issues of health care, we recommend:

- a) To develop and integrate a trans health work plan into the state health strategic plans and budget allocations to support trans people's ability to realise the highest attainable enjoyment of their right to health.**
- b) To ensure the State develops a research and planning agenda that is informed by the LGBTI Index and SDG 16, and that is inclusive of the trans population.**

¹⁶ Email from Adele Ramos to Caleb Orozco, "Limitations of data collection", 28 October, 2019.