

## Belize

### 1. Discrimination in the family

#### a) Overarching legal framework for marriage

The law provides women with the same rights as men to enter into marriage and marriage is based on consent of both spouses (Marriage Act, sect. 52). Forced marriage is prohibited by law and any person who by force or duress causes any person to marry against his/her will is punishable of imprisonment of up to two years (Criminal Code, sect. 58). The law provides for official registration of religious marriages (Marriage Act, sect. 8). The law does not provide for official registration of customary marriage or informal or de-facto unions and informal or de-facto unions are not regulated by law.

#### b) Child marriage

The legal age of marriage for women and men is 18 years old (Marriage Act, sect. 5(3)). A marriage under the legal age of marriage can be allowed with the consent of the parents or the guardian (Marriage Act, sect. 5). If the consent of the parents or guardians cannot be obtained for reasons such as if the person from whom the consent is required is of unsound mind, if he/she is absent or incapable of consenting or refuses his/her consent, upon petition from the minors who wish to get married, the Supreme Court can allow a marriage below the legal age (Marriage Act, sect. 6).

Child marriage is void under section 4 of the Marriage Act, as a marriage solemnised between persons either of whom is under the age of 14 years shall be void. Additionally, the Marriage Act stipulates that anyone who solemnises or performs the marriage of a minor without the consent required is liable to a fine and/or imprisonment of up to two years (sect. 65 & 66). Moreover, the Criminal Code stipulates that anyone who anyone who goes through the ceremony of marriage knowing that the marriage is void is punishable of up to seven years of imprisonment (sect. 315). Anyone who performs or witnesses a marriage as a marriage officer knowing that the marriage is void is liable to seven years of imprisonment (sect. 317). Early marriage does not appear to be a practice of concern in Belize (UNICEF, 2013).

#### c) Household responsibilities

No legal provisions were located that would restrict women's rights to be recognised as the head of household in the same way as a man. The law provides women with the same rights as men to be the legal guardians of their children during marriage and in informal unions (Families and Children Act, sect. 6). The law provides women with the same rights and responsibilities as men with regard to their children during marriage (Families and Children Act, sect. 5). Married/unmarried women are granted with the same rights as married/unmarried men to choose where to live (Constitution, sect. 10).

Reports show that women tend to carry the duties of unpaid care work including domestic work and child-rearing as well as taking care of elderly or sick family members (National Women's Commission, 2012). Additionally, there are persistent stereotypes concerning women and the expectation that they should be submissive and obey their husbands or partners (National Women's Commission, 2012).

#### **d) Divorce**

The law provides women with the same rights as men to initiate divorce and women have the same requirements as men to finalise a divorce or annulment (Married Persons (Protection) Act, sect. 3 & 5). The law provides for fault-based divorce on four major grounds, notably desertion, cruelty, adultery and alcohol consumption (Married Persons (Protection) Act, sect. 3 & 5). The law provides women with the same rights as men to be legal guardians of their children after divorce and women and men have the same rights and responsibilities with regards to their children after divorce (Married Persons (Protection) Act, sect. 2 & 4). The applicant for the divorce is granted the legal custody of the children (Married Persons (Protection) Act, sect. 2 & 4). There is no legal discrimination regarding divorce and it appears that there are no practices which may restrict those rights.

#### **e) Inheritance**

The law provides daughters with the same rights as sons to inherit land and non-land assets (Administration of Estates Act, sect. 54). The law provides female surviving spouses with the same rights as male surviving spouses to inherit land and non-land assets (Administration of Estates Act, sect. 54). The law provides women with the same rights as men to make a will (Wills Act, sect. 3). There is no legal discrimination regarding inheritance and it appears that there are no practices which may restrict those rights.

## **2. Restricted Physical integrity**

### **a) Violence against women**

Belize has ratified in 1996 the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention of Belém do Pará).

There is no law specifically addressing violence against women, including specific provisions for investigation, prosecution and punishment of the perpetrator and protection and support services for victims.

The Revised National Gender Policy sets to address violence against women through the establishment of family support systems that transform gender relations, the expansion of child protection programmes, the creation of psycho-social support mechanisms and resources for survivors of gender-based violence and the strengthening of institutional capacity to address gender-based violence, crime and guarantee access to justice (National Women's Commission, 2013). The Women's Department within the Ministry of Human Development and Social Transformation conducts awareness-raising activities and training session on gender-based violence (UNDP, 2014).

The Human Rights Committee (2013) stresses the prevalence of violence against women. Victims seldom report violence against women cases, which is the main cause for the lack of prosecutions in gender-based violence cases (UNDP, 2014). Additionally, judges may reportedly be prejudiced towards gender-based violence victims and a majority of cases are dropped due to fear and pressures faced by victims (UNDP, 2014).

## **b) Domestic violence**

Domestic violence is considered a criminal offense under the Domestic Violence Act (sect. 28). The domestic violence legislation covers physical, sexual, psychological and economic abuse from former partners or within the family (Domestic Violence Act, sect. 2). The law provides for specific provisions for investigation, prosecution and punishment of perpetrators, notably the duty of police officers to respond to domestic violence complaint and the ability of police officers to intervene without warrant in certain cases (Domestic Violence Act, sect. 24 & 26). Additionally, the Domestic Violence Act provides for protection orders for victims of domestic violence (Domestic Violence Act, sect. 3).

The law does not forbid mediation and conciliation in cases of domestic violence, as the Domestic Violence Act stipulates that in certain cases where the Court is satisfied that the incident was an isolated one, that there are circumstances which make it desirable to preserve the family unit and that the conduct complained is not sufficiently grave then the Court may withhold the granting of an Order or the application of penalty and require the parties involved to enter into a bond of good behaviour for six months (sect. 28). The bond of good behaviour may include additionally family counselling or reporting to a social service officer (Domestic Violence Act, sect. 28).

There is no current national action plan on domestic violence. The Belize Police Department operates a hotline for victims of domestic violence and police stations have a designated domestic abuse office for victims to lodge their complaints (US Department of State, 2016). There are two shelters for victims of domestic violence in Belize, run by NGOs (UNDP, 2014). The Women's Department within the Ministry of Human Development and Social Transformation elaborated a Handbook on Domestic Violence and outreach and advocacy activities on domestic violence (UNDP, 2014). Additionally, the Women's Department provides training on domestic violence to police recruits (UNDP, 2014). The Domestic Violence Protocol mandates that police officers refer victims to other agencies to seek support and assistance (UNDP, 2014).

The majority of victims of domestic violence are women who are either married or in common-law unions (National Women's Commission, 2013). The perpetrators are mainly the common-law spouse, the spouse or the ex-spouse (National Women's Commission, 2013). Most cases of domestic violence that are brought to the authorities concern repeated incidents (UNDP, 2014). There are common conceptions related to domestic violence that tend to consider it as a private matter to be dealt within the family and not through police intervention (UNDP, 2014).

Reports highlight that police officers may be reluctant to intervene in cases of domestic violence and that they may advise women to return to their spouses/partners (UNDP, 2014). Discriminatory attitudes within police forces have reportedly occurred, such as the tendency to blame the victim

(UNDP, 2014). Additionally, research shows that domestic violence may be socially accepted and circumstances such as infidelity are deemed valid justifications for intimate partner violence (UNDP, 2014). Domestic violence is seldom reported by victims due to a lack of trust in the system and lack of information and legal literacy from women (UNDP, 2014). Moreover, there is a link between domestic violence and economic disempowerment, forcing women victims of abuse to return to their families due to unemployment or financial dependency (UNDP, 2014).

### c) Rape

There is no law addressing sexual violence. Rape is a criminal offense and is punishable of imprisonment of eight years to life imprisonment (Criminal Code, sect. 46). The legal definition of rape is based on the lack of consent (Criminal Code, sect. 71). The Criminal Code stipulates that evidence in a trial for rape requires proof of penetration (sect. 73). The law provides for increased penalties for aggravated forms of rape and sexual violence, notably when the victim is a minor or vulnerable because of her mental health (Criminal Code, sect. 47). In those cases, the perpetrator is liable to imprisonment of twelve years to life imprisonment (Criminal Code, sect. 47).

The legal definition of rape includes marital rape, which is punishable of imprisonment of eight years to life imprisonment (sect. 46 & 72). However, there is a marital rape exemption, as the definition of marital rape is conditioned notably on the act being committed with violence (Criminal Code, sect. 72). The circumstances which condition marital rape are as follows: the spouses have separated and have lived separately; there is a separation agreement in writing; proceedings for a dissolution or nullity of marriage have been instituted; there has been an order or injunction against one of the spouse; and the act of sexual intercourse is preceded or accompanied by or associated with, assault and battery, harm or injury to the female spouse (Criminal Code, sect. 72).

The Women's Department within the Ministry of Human Development and Social Transformation conducted awareness-raising programmes on rape and sexual violence and produced a Handbook on Sexual Violence (UNDP, 2014).

The response protocol to sexual violence and rape includes screening, assessment and attention, interviewing, counselling and documentation from the Women's Department (Women's Department, 2012). A gynaecologist or general practitioner should also collect and document forensic evidence from patients, address medical concerns, testify in court if needed and ensure that patients are offered crisis intervention, support and advocacy during and after the exam process (Women's Department, 2012).

There is reportedly a social acceptance of sexual violence and perpetrators are rarely brought to justice for violence and abusive sexual behaviour (National Women's Commission, 2012). Research shows that many cases of sexual violence and rape do not reach court or are dropped while the trial is in process (National Women's Commission, 2013). Issues such as stigma, double victimization, gender biases and delays in going to trial, render trials of sexual offense difficult to prosecute (National Women's Commission, 2013). Additionally, charges are dropped reportedly due to the victim's fear for personal safety (US Department of State, 2016). Cases of rape and sexual violence

are largely underreported because of fear of retribution, social stigma and lack of trust towards the police and the justice system (US Department of State, 2016).

#### **d) Sexual harassment**

The legal framework provides legal protection from sexual harassment under the Protection Against Sexual Harassment Act. The law includes civil remedies (Protection Against Sexual Harassment Act, sect. 16). The law does not include criminal penalties. The definition of sexual harassment covers the workplace and educational establishments (Protection Against Sexual Harassment Act, sect. 3 & 7). The law does not specifically cover sporting establishments, public places or cyber harassment.

Sexual harassment is seldom reported by victims (US Department of State, 2016). Reports show that there are a few punctual reports of sexual harassment within the workplace, but that women lack information and legal literacy on sexual harassment (National Women's Commission, 2010).

#### **e) Female genital mutilation**

There is no criminal law addressing female genital mutilation (FGM) as a harmful practice. It appears that female genital mutilation is not a practice of concern in Belize (UNICEF, 2013).

#### **f) Abortion**

Abortion on request is not legal in Belize (Criminal Code, sect. 111). A woman who attempts to procure her own miscarriage or any person who intends to procure the miscarriage of any pregnant woman is liable to life imprisonment (Criminal Code, sect. 111). A legal abortion can be performed by a registered medical practitioner with the approval of two registered medical practitioners if there is a risk for the life of the pregnant woman, or a risk of injury to the physical or mental health of the pregnant woman or in case the unborn child would suffer severe physical or mental abnormalities upon birth (Criminal Code, sect. 112). The law stipulates that in determining whether the continuance of a pregnancy would involve a risk of injury to health the pregnant woman's actual or reasonably foreseeable environment is to be taken into account (Criminal Code, sect. 112).

#### **More**

Belize is a source, transit and destination country for women sexual exploitation and forced labour (Freedom House, 2015). Child sex tourism is a concern in Belize (Freedom House, 2015).

### **3. Restricted Access to productive and financial resources**

#### **a) Secure access to land and assets**

The law provides married women with the same rights as married men to own, use, make decisions and use as collateral (Married Woman's Property Act, sect. 3 & 4). Regarding land, property and other non-land assets, the law provides unmarried women with the same rights as unmarried men to own, use, make decisions and use as collateral (Constitution, sect. 17). Regarding land, property and other non-land assets, the law provides women and men with the same rights after divorce or separation to own, use, make decisions and use as collateral (Law of Property Act, sect. 39).

Regarding marital property, a married woman has the same rights as a married man to administer (Married Women's Property Act, sect. 3 & 4). The law provides for joint land titling for land used or acquired by married couples or informal unions (Law of Property Act, sect. 36 & 38).

The Revised National Gender Policy includes as one of its priorities to increase women's access to land (National Women's Commission, 2013).

#### **b) Secure access to formal financial resources**

The law provides married women with the same rights as married men to open a bank account at a formal financial institution and the law does not require married women to obtain the signature and authority of their husband/guardian to open a bank account at a formal institution (Married Women's Property Act, sect. 3 & 11). Additionally, the law provides women with the same rights as men to obtain credit (Married Women's Property Act, sect. 3 & 11).

The Revised National Gender Policy includes as one of its priorities to increase women's access to credit and business development, notably to expand programmes that increase women's access to affordable credit (National Women's Commission, 2013).

#### **c) Workplace rights**

Belize has ratified several of the International Labour Organisation Conventions, notably the Equal Remuneration Convention (No. 100) in 1999, the Discrimination (Employment and Occupation) Convention (No. 111) in 1999, the Workers with Family Responsibilities Convention (No. 156) in 1999, and the Convention concerning the revision of the Maternity Protection Convention (Revised) (No. 183) in 2005.

The law does not mandate non-discrimination on the basis of sex in employment and does not specifically covers job advertisements, selection criteria, recruitment, hiring, terms and conditions, promotion, training, assignments and termination. The law does not mandate equal remuneration for work of equal value.

The law does not allow women to work the same night hours as men (Labour Act, sect. 161 & 162). Women are prohibited from working at night with a few exceptions such as women in a managerial or technical position, women employed in health and welfare services, if all the other employees are family members, in case of force majeure with the approval of the Commissioner, in case the work involves the quick deterioration of materials with the approval of the commission (Labour Act, sect. 161 & 162).

The law mandates paid maternity leave of 14 weeks (Labour Act, sect. 177 & Social Security (Benefit) Regulations, sect. 11, 12). The law does not mandate paid paternity leave nor parental leave. The law protects women's employment security when they are on maternity leave (Labour Act, sect. 178).

The law does not require women to have permission from their husband or legal guardian to choose a profession, occupation or work or to register a business (Constitution, sect. 15 & Married Women's Property Act, sect. 3 & Business Names Act, sect. 3, 5).

The Revised National Gender Policy includes as one of its priorities to enhance wealth and employment generation for women, notably through eliminating discrimination against women and men workers, including workers in the informal sectors; expanding social safety nets for vulnerable women, men and children; creating greater equity in child maintenance provisions; creating gender equity in labour force participation and employment and mainstreaming gender into disaster management programmes (National Women's Commission, 2013).

The wage gap between women and men is persistent (Human Rights Committee, 2013). Women participate less than men in the labour force, estimations show that 44% of women are involved in the labour force compared to 80% of men (National Women's Commission, 2012). While women are increasingly enrolled in higher education, the unemployment rate of women is 33% compared to 16% of men (National Women's Commission, 2012). Women are additionally vulnerable to poverty (National Women's Commission, 2013).

Discrimination related to maternity leave has also been reported in employment with cases of women being fired when pregnant (National Women's Commission, 2013). Occupational segregation in employment persists with women being overrepresented in the health and social sector and men being overrepresented in agricultural activities, in the forest and fisheries sectors and in the defence force (National Women's Commission, 2013). Women are generally underrepresented in decision-making or managerial positions and women's employment is concentrated in low-paid service sector positions (US Department of State, 2016 & UNDP, 2014).

## **4. Restricted Civil liberties**

### **a) Citizenship rights**

The law provides women with the same rights as men to acquire, change and retain their nationality (Nationality Act, sect. 10, 18 & 19). Additionally, the law provides married women with the same rights as married men to confer nationality to their spouse (Nationality Act, sect. 11). Married/unmarried women are granted the same rights as married/unmarried men to confer nationality to their children (Nationality Act, sect. 5).

The law also provides women with the same rights as men to register the birth of their children (Registration of Births and Deaths Act, sect. 10). The law allows for late or delayed registration for unregistered adults or children (Registration of Births and Deaths, sect. 18).

Identity cards are not used in Belize. The law provides unmarried women with the same rights as unmarried men to apply for passports (Passports Regulations, sect. 3). However, married women do not enjoy same rights to apply for passports as married men (Passport Regulation 3(1)(a)). Married women (including divorcees and widows) are required to provide information on their husband and their marriage in the passport application form, while the same stipulation is not applied to married men (Passport Regulation 3(1)(a)). Women are granted with the same rights as men to acquire passports and other travel documents for their minor children (Passports Regulations, sect. 3). Furthermore, the law provides married/unmarried women with the same rights as married/unmarried men to travel outside the country (Constitution, sect. 10).

There is no legal discrimination regarding citizenship rights and it appears that there are no practices which may restrict these rights.

#### **b) Voting**

The law provides women and men with the same rights to vote (Constitution, sect. 92). There is no legal discrimination regarding voting rights and it appears that there are no practices which may restrict these rights.

#### **c) Political voice**

The law provides women with the same rights as men to hold public and political office, including within the legislature, the executive and the judiciary (Constitution, sect. 57, 62, 37 & 97). There are no legal quotas nor special measures to promote women's political participation at the national or local level.

The Revised National Gender Policy aims to increase women's participation in decision-making positions, to build institutional capacity for gender mainstreaming of all relevant policies, strategies and plans of action and to implement gender budgeting across the public sector and across civil society organisations (National Women's Commission, 2013).

The National Women's Commission has implemented since 2009 a Women in Politics training programme which aims at creating a network of women in politics, share knowledge and enhance visibility of women (National Women's Commission, 2012).

Women in Belize have limited access to public and political offices and are underrepresented at all spheres at the national and local levels (National Women's Commission, 2012). Research shows that once women are in office they are often marginalised in terms of decision-making and continue to face discrimination (National Women's Commission, 2012). Moreover, it is reported that female politicians are more prone to personal attacks by the media and political parties (National Women's Commission, 2012). The political model is largely male-dominated in Belize (National Women's Commission, 2012). There is a persistent stereotypical conception that women do not belong in politics (National Women's Commission, 2012). Furthermore, research shows that campaign financing constitutes a greater barrier for women due to a reluctance of donors to invest in a female candidate and a lack of access by women to political networks (National Women's Commission, 2012). Additionally, family responsibilities weigh more on women's shoulders than on men's which impede on their access to political office (National Women's Commission, 2012).

#### **d) Access to justice**

The law provides married women with the same capacity as married men to be sued and to sue (Married Women's Property Act, sect. 3). The law provides unmarried women with the same capacity as unmarried men to be sued and to sue (Constitution, sect. 6). A married/unmarried woman's testimony carries the same evidentiary weight in court as a married/unmarried man's in all types of court cases such as civil, criminal family court and tribunal (Constitution, sect. 6).



Legal measures have been implemented to ensure women's access to justice, such as the presence of a social worker during hearings, closed sessions and screened testimonies as well as the protection of the identity of the victim (UNDP, 2014).

Access to legal aid is limited as free legal aid is offered only in cases for capital offenses (UNDP, 2014). In civil, administrative and family cases, legal aid is offered at a reduced rate (UNDP, 2014). Legal aid is reportedly unaffordable for most women in Belize (UNDP, 2014).

The Women's Department within the Ministry of Human Development and Social Transformation and the National Women's Commission are the specialized bodies tasked with monitoring gender equality in Belize (US Department of State, 2016). The Women's Department's focuses on economic empowerment, client support, outreach through advocacy, information, education and communication and resource development (UNDP, 2014). The National Women's Commission has the mandate to monitor compliance of national laws and policies with international human rights standards and has the power to conduct education and public awareness on gender equality and women's human rights (National Women's Commission, n. d.).

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