



MEMORANDUM

To: Nancy Nicol, Principle Investigator, York University, Envisioning Global LGBT Human Rights (funded by the Social Science and Humanities Research Council of Canada)*
From: Atrisha Lewis (3L) & Zahra Ahmed (LL.M.), International Human Rights Clinic
Date: January 2nd, 2012
Re: Belize' Interactions with the UN System on the Issue of LGBT Rights

This document was prepared by law students and highlights publicly-accessible information available at the time it was prepared. It is not exhaustive, nor is it updated on a regular basis. The information provided here is not a substitute for legal advice or legal assistance, and the International Human Rights program at the University of Toronto, Faculty of Law cannot provide such advice or assistance.

Overview of the UN System

There are two major human rights systems at the United Nations (the "UN"): the Treaty based system and the Charter based system. The treaty-based human rights system consists of nine treaty bodies that monitor state compliance with the obligations under their respective conventions. Each treaty body is comprised of a committee of independent experts that interpret and apply the convention in reviewing and commenting on periodic state reports and individual complaints. The treaty bodies are not judicial institutions and there is debate as to the nature of the body of law that the treaty bodies produce.¹ Regardless of whether these normative findings are actually law, they have legal significance as they are referenced in international and domestic decisions.²

The Charter based human rights system derives its authority from the UN Charter itself. The UN Human Rights Council, the successor to the Human Rights Commission is the main organ in this Charter based system. The mandate of the Human Rights Council is to make recommendations on situations of human rights violation, while being guided by principles of "universality, impartiality, objectivity, and non-selectivity."³ This intergovernmental body, which meets in Geneva 10 weeks a year, is composed of 47 elected United Nations Member States who serve for an initial period of 3 years, and cannot be elected for more than two consecutive terms. The Human Rights Council oversees the Universal Periodic Review (UPR), which is a process that involves a review of the human rights records of all 192 UN Member States once every four years.

While not a human rights system, the General Assembly also deals with human rights issues through its broad mandate. Established in 1945 under the Charter of the United Nations, the General Assembly is the chief deliberative, policymaking and representative organ of the United

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¹ Burgenthal, *The Evolving International Human Rights System* 100 A.J.I.L. 788, 787-791

² Ibid

³ G.A. Res. 60/251 (March 15, 20006)



Nations. Comprising all 193 Members of the United Nations, it provides a unique forum for multilateral discussion of the full spectrum of international issues covered by the Charter.

Belize

1. Summary

- Belize does not have a lot of interaction with UN mechanisms. The most significant discussion on LGBT issues in Belize occurred at its Universal Periodic Review (UPR).
- Belize accepted the recommendation to provide sensitivity training to police and state officials about SOGI issues.
- Belize admitted that repealing Anti-sodomy laws is not on its main agenda.
- At the UN, Belize’s voting pattern relating to SOGI issues is inconsistent. Belize offers no rationale for this.
- Notably, the Belize Advocacy Movement (UNIBAM) has brought a case challenging the legality of anti-sodomy laws. Unfortunately, the Council of Churches has brought an application to join the Attorney General in defence of the laws.⁴

2. Treaty/ Convention Status

The following chart highlights the international treaties that are germane to the protection of sexual orientation and gender identity rights. Belize has not ratified all relevant treaties. The chart highlights which relevant conventions Belize has signed or ratified. Belize, at its Universal Periodic Review indicated a willingness to consider ratifying the ICESCR.⁵

Treaty	Date of Ratification
Convention on the Elimination of all forms of Racial Discrimination (“CERD”)	14 Nov 2001
International Covenant on Civil and Political Rights (“ICCPR”)	10 June 1996 a
Optional Protocol to the ICCPR	Not signed
International Covenant on Economic, Social and Cultural Rights (“ICESCR”)	Signed 6 Sept 2000 Not yet ratified
Convention on the Elimination of all forms of Discrimination Against Women (“CEDAW”)	16 May 1990
Convention against Torture (“CAT”)	17 Mar 1986a
Convention on the Rights of the Child (“CRC”)	2 May 1990

a=accession
d=succession

⁴ <http://edition.channel5belize.com/archives/54599>

⁵ A/HRC/12/4/Add.1



3. All Official State Positions on LGBT Rights as Reflected in Voting Patterns and Statements at the UN

General Assembly Resolutions

The votes on the draft resolutions relating to the *Special Rapporteur on Extra-judicial executions* are tracked in the following chart. The draft resolutions relate to whether the scope of investigation should specifically include investigating extra-judicial killings on the basis of sexual orientation. The chart tracks draft resolutions because this is where the clear statements and votes relating to SOGI issues actually occur. The final resolutions are typically passed without any discussion relating to the inclusion or removal of the words "sexual orientation." Belize's voting record is especially bizarre as the country continuously reverses its position on the scope of the Rapporteur's mandate.

Final Resolution	Draft Resolution	Vote/ Comments
57/214	2002 Draft Resolution ⁶	
	New reference to "sexual orientation"	In Favour
59/197	2004 Draft resolution ⁷	
	Retain words "sexual orientation"	Abstain
63/182	2009 Amendment ⁸ to Draft Resolution ⁹	
	Remove words "sexual orientation"	In Favour
65/208	2010 Amendment ¹⁰ to Draft Resolution ¹¹	
	Remove words "sexual orientation"	In Favour
	2010 Amendment ¹² to Draft Resolution ¹³	
	Re-include "sexual orientation"	In Favour

⁶ A/C.3/57/L.56/Rev.1

⁷ A/C.3/59/L.57/Rev.1

⁸ A/C.3/63/L.75

⁹ A/C.3/63/L.35/Rev.1

¹⁰ A/C.3/65/L.65

¹¹ A/C.3/L.29/Rev.1

¹² A/65/L.53

¹³ A/C.3/L.29/Rev.1



4. All UN Statements on the situation of LGBT rights in the countries of focus

Universal Periodic Review

The Universal Periodic Review (UPR) is a unique process which involves a review of the human rights records of all 192 UN Member States once every four years. The Universal Periodic Review process began in 2006 and the first round will be completed by 2011. The documents on which the reviews are based are: 1) information provided by the State under review, which can take the form of a “national report”; 2) information contained in the reports of independent human rights experts and groups, known as the Special Procedures, human rights treaty bodies, and other UN entities; 3) information from other stakeholders including non-governmental organizations and national human rights institutions. Following the State review, a report referred to as the “outcome report” is produced. This report consists of the questions, comments and recommendations made by States to the country under review, as well as the responses by the reviewed State. In 2009, Belize underwent its Periodic Review.

Recommendations	Response ¹⁴
The Czech Republic recommended that “human rights training with regard to the protection of the human rights of vulnerable groups, in particular women, children, indigenous peoples and persons of minority sexual orientation or gender identity, be provided to law enforcement officials, judicial officers and all State officials” ¹⁵	“Belize accepts this recommendation and considers this recommendation an ongoing programme.”
The Czech Republic recommended: “to put an end to any discrimination of same-sex sexual activity between consenting adults, in particular to review any discriminatory legislation, and to adopt measures to promote tolerance in this regard” ¹⁶ Similarly, Italy recommended: “Take appropriate legislative measures to ensure that no person can be subject to criminal sanctions for same-sex activity between consenting adults”	“While there is no political mandate at this time to amend the relevant legislation, the Government is nonetheless committed to protecting all members of society from discrimination. Indeed protection from discrimination is protected by the Belize Constitution.”

5. Individual Complaints

Belize has accepted the competency of Committee on the Elimination of all forms of Discrimination against Women to hear complaints relating to the CEDAW. There have been no individual complaints before the Committee.

¹⁴ A/HRC/12/4/Add.1

¹⁵ A/HRC/12/4 at para 56

¹⁶ A/HRC/12/4 at para 56



6. Domestic Court Decisions

There are no domestic decisions relating to SOGI rights.