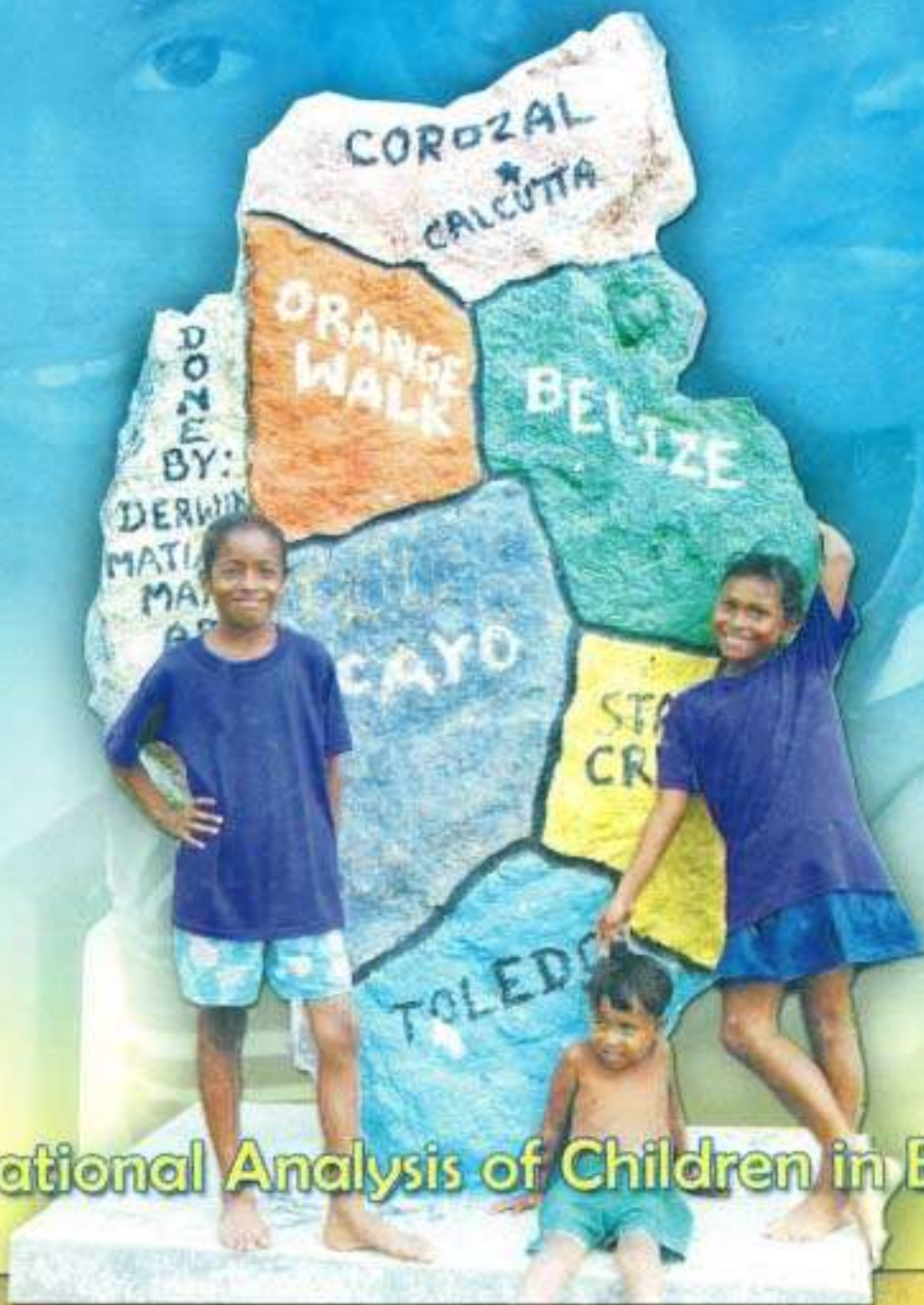


# THE RIGHT TO a FUTURE

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A Situational Analysis of Children in Belize



## VI THE RIGHT TO PROTECTION

*Children, because of a complex society, often find themselves living in especially difficult circumstances*

*and are in need of special protection measures*

### Children in Difficult Circumstances

The Convention on the Rights of the Child in its preamble recognizes that children around the world live in exceptionally difficult situations and for that reason deserve special protection. In accordance with the Convention, the seventh World Summit goal requires nations to provide for improved protection of children in difficult situations and to tackle the root causes leading to such situations." The GOB, UNICEF and the CRCC have identified groups of children in Belize that require special protection measures including children who live in remote or rural areas, immigrant children, children who are victims of exploitation to include abuse, neglect, and economic exploitation, children who live in institutions, children with disabilities, children who are victims of substance abuse, and children who are involved with the Juvenile Justice System. The recent hurricane now indicates a need to add to the list "children effected by natural disaster". Because of a variety of different circumstances and events, the factors that have created these situations are diverse and complex. Certain groups of children have been previously discussed in light of other articles and may be found in preceding chapters. For example, the special situations of children living in remote and rural areas including immigrant children were discussed in light of Article 2 (discrimination). Child labour often determines a child's ability to access education impacting their future development, and have been discussed in light of the right of the child to an education (Chapter V). However, children who work remain in need of special protection measures. The remaining groups identified as requiring special attention and the steps being taken to provide for them will constitute the chapter on protection.

### **Key Article**

**Every child shall have the right to be free from all forms of physical or mental violence, injury, abuse, maltreatment, and exploitation.**

**Article 19** of the Convention on the Rights of the Child



**'The right that nobody hurts my body or my feelings'**

*Children have a right to personal and physical integrity*

### **Protection from Violence**

Article 19 goes beyond children's rights to protection from what it arbitrarily defined as "abuse" in different societies and beyond the protection from torture, cruel, inhuman or degrading treatment or punishment, as guaranteed under Article 37. Article 19 requires children's protection from "all forms of physical or mental violence" while in the care of parents or others, thus asserting children's equal human right to physical and personal integrity.



*and nations have a responsibility to protect children from all forms of violence*

*which includes sexual exploitation, and prostitution, school discipline including prevention and rehabilitation measures because*

*children wish to be safe at home, at school, and in their communities,*

*and for their mother and grandparents to be safe too*

*Abuse against children and women are closely linked*

*under reported and not taken seriously*

*The GOB is working hard to protect them*

Many articles need to be considered in light of Article 19, protection of children from all forms of sexual exploitation including prostitution and pornography (Article 34), which links to abduction and trafficking (article 35) as both prostitution and pornography have commercial motives as well as sexual motives. More recently discovered is organized abuse where children may be victims of institutional abuse and sex tourism. Article 39 promotes physical and psychological recovery of child victims, and finally, Article 28.2 states that school discipline is to be administered in accordance with the child's human dignity and in conformity with the convention.

In ratifying these articles, nations are required to take a variety of measures including laws, administrative procedures, social and education programs, to protect and prevent children from all forms of violence including physical, emotional, and sexual abuse and exploitation. Required also is a continuum of procedures and services for identification, reporting, referral, investigation, judicial action, treatment and follow up of children who are victims of violence and abuse. They also commit themselves to establishing preventive measures, including procedures to create social programmes to provide children with the assistance they need to recover.

Children in Belize, through the children's elections and the UNICEF sponsored Summit for Children, expressed their wish for a safe environment free from all types of violence. This was their second most important right followed by the right that "no one hurt my body or my feelings". GOB has been listening to the children but more must be done to ensure their right to be safe in their homes, school, and communities.

In Belize, violence against children and child abuse is associated with economic, social, cultural, historical and educational factors that are interrelated and mutually reinforcing over the course of daily life. Structural violence as well as violence in the home and in the street make up the visible face of an inequitable patriarchal system in which women and children are the victims of marginalization, abuse and discrimination.

### **Violence Against Women**

Globally most abuse within families is committed by men, and most victims are women and children. Violence against women takes many forms and is generally exacerbated by alcohol and drug abuse. In Belize there is considerable tolerance of domestic violence against women.

#### **Case Study**

A women speaks.....'In Belize, we all at some time or another are faced with problems such as abuse and rape. However, we try to deny such problems and hide the situation because it makes us seem less of a person. That is what I am doing when my husband beats me. He drinks and does drugs, using the money he makes which leaves us with out food for many days on end. When we do have food he makes sure his two children get the food first and my other children, his step children go hungry. When I say something he beats me again. He beats me when he drinks, but I am afraid of being alone, but each day gets worse and worse and more and more difficult to go on.'

Abuse against women and children is closely linked. A US study shows that 53% of men who batter their wives also abused their children. Other studies report an even higher correlation with substance abuse reported as a factor in over 80% of child abuse cases. Most experts believe that violence against women worldwide is the most under reported



crime; and unfortunately when women and children do speak up few people are prepared to listen or to take them seriously.

### **The Women's Department**

In an effort to remedy this situation and addition to the CRC and FACA, Belize has ratified the Belem Convention, CEDAW and the Beijing Platform of Action and has taken steps to ensure their implementation. The Domestic Violence Act was passed in 1992, the Sexual Harassment Act in 1996 and the Criminal Code was amended in 1999 to include Marital Rape. Through the Women's Department the country has adopted a National Action Plan to Eliminate Violence with emphasis placed on family violence. The four areas the plan seeks to address are prevention, early detection, attention to victims of family violence and public awareness. There have been problems coordinating this plan and a recent registration form to track clients and services needs reworking and additional coordination. Additionally training for police, health personnel, social workers and community volunteers and establishing units in each major police station to respond to violence reports is needed.

Domestic violence statistics compiled by the Woman's Department for 1999 reflect 125 cases for counseling. Haven House provided shelter for 10 women and 23 children during the first half of 2000. Police reported 255 cases, and Family Court reported 1,200 cases of which 25% were withdrawn by the complainant. Lacking is national reporting and statistics incorporated from other key departments and divisions who provide related services to women and children such as FSD, CCC, MOES, MOH, NCFC, BOWAND, BFLA, and NOPCA. Also incorporated must be statistics from districts before Belize has an accurate picture of this critical situation. Lack of funding, human resources and coordination/collaboration are recurring themes. The Women's Department, which provides the coordinating role for activities in this area, requires adequate funding to plan, coordinate, train and monitor.

### **Violence Against Children**

Though there are no current studies, one needs only to look around and know that violence is a part of the daily lives of women and children of this country. In homes children will be lashed in the name of discipline as the most effective way of educating children and ensuring their "full obedience," and this will happen in schools even though the CRCC and key UNICEF partners have publicly stated that corporal punishment is inappropriate in all its forms whether in families, schools, or institutions.

Family services referrals will continue to rise in Belize City, but drop in districts due to insufficient staff, procedures for villages, and lack of information and coordinated actions. Everyone continues to hold their breath every time a child is reported missing, for fear that another child has fallen victim to violent sexual abuse and unsolved murder. Belize must not continue to close its eyes to the continued victimization of disabled children and allow them to be placed out of sight and out of mind. It must find alternatives to the institutionalized of abused children who, further subjected to a second victimization are today being placed in institutions with children who are older, more experienced, and victims themselves. They all deserve specialized care and protection.

It is suspected that incest affects the lives of many children and that historical and cultural beliefs must be challenged and the data revealed. It is known that children, for economic reasons are subjected to potential abuse just so they can go to school. There are reports of young women prostituting themselves or falling victim to prostitution to meet the needs of their families or a life alone in both Belize and Cayo Districts. Despite mandatory reporting of child abuse, many do not know of the law, nor are there the resources to respond.

*through the  
collaboration  
efforts of the  
Women's Dept.*

*and others, but  
lacking  
adequate funding*

*Violence is all  
around us, in  
schools, in villages  
and in institutions*

*disabled children  
are often invisible*

*as is incest*

*and family  
violence*



*Agencies are working hard and must work together*

*NOPCA was first*

*and helped to break the silence*

*through partnerships*

*Incest is still the hardest thing to share*

*and with everybody working together*

*the story is told only once*

*Children are educated in schools*

While needed is current and accurate information, there are experienced Belizean experts agencies already in existence and working daily to ameliorate abusive situations for children. NOPCA and the Family Services Division are the private-public combination responsible for the provision of services to children who are victims of violence and abuse.

## **NOPCA**

NOPCA was the first organization established in light of article 19 of the CRC. Established in 1992, for the purpose of creating awareness about the problem of child abuse and neglect in Belize. NOPCA has always been a strong advocate for children.

NOPCA remembers the early days when Belize was in complete denial about child abuse and children in general were considered "invisible". NOPCA persisted with programs and information provided to the public and schools and gradually broke through the Belizean silence about child abuse. Today NOPCA is the major non-governmental organization which deals with the prevention, identification and treatment of individuals that are at risk of abuse, neglect or exploitation. NOPCA is committed to the concept of "working together" to improve the lives of children and families as the complexities of service needs are demanding.

### **Case Studies**

Sandra is now 17. NOPCA received a request for counselling services. Sandra has attempted suicide, by drinking Clorox. A victim of stepfather incest, she had an illegal abortion in October 99 only to return to the same situation and a disbelieving mother.....she no longer wants to live.

Jane is 13 years old. Her teacher noticed roted bruises and a thick eye and when asked she told the teacher that she doesn't want to go home because her mother used a knife to hit her threatening to kill her if she told about what her grandfather did. Jane lived with her grandfather until she was 11 and was sexually abused by him and his friend. Though she told a woman police officer, the officer chose not to report, fearing that it would make the situation worse for Jane in her home. Although she really likes the woman officer who has apparently been very kind to her, she feels she has no other friends. She is very unhappy and the other children laugh at her. She says her mother tells her she is ugly and uses her as "a Cinderella" Referred to NOPCA, FSD and the counselling centre, the mother is willing with the counselors for a while. There is much work to be done, Jane won't even look at her mother or respond when she is talking.

As far back as age six, Susie can remember that six family members used to sexually abuse her, two brothers, two brother in laws, and two cousins. This happened until she was sixteen and ran away from home. She was still trying to do well in school, but had no one to talk to. She still blames her mother, who surely knew what was happening and needs counselling as "she hates" her mother and all of them.

In addition to a highly successful education and prevention program in primary schools called *Good Touch Bad Touch*, NOPCA's services include public awareness, public education, parent education through collaboration with COMPAR, counseling services to victims, research, an informational hotline, and is currently conducting a child labour study in Corozal District.

Outreach services in Toledo, Orange Walk, and Belmopan through an association with Maria's House of Hope, are active and there is a 2000 goal of expanding services to all districts through the use of volunteers and paid staff in 2000.

Working in partnership with the Ministry of Human Development, NCFC, law enforcement, and the Ministry of Health, NOPCA recognizes the need to establish child protection teams



*and there are some outreach services.*

*working in partnerships is needed.*

*along with statistics*

*and the need to avoid duplication*

*and shared families are successful*

*NOPCA is committed to the full implementation of the CRC.*

*Family Services was a leader, along with NCFC*

*Both were developed in the light of CRC*

*FSD policy is built on the CRC*

in each district. NOPCA and three other representatives received training in England on the establishment of such teams and strategies designed to bring the information on mandatory reporting and child abuse prevention and treatment to districts where there is lack of services to children and families. On hold, planing and direction for this project is essential if child abuse and neglect services are to reach all children of Belize. NOPCA, at a recent partner meeting, expressed concern about the lack of reliable statistics and the lack of a universal model for child abuse reporting causing fragmentation and duplication of services. If there is duplication of services, these are issues that must be dealt with urgently.

### Case Study

She was a single 23 year-old woman with five children when she met the social worker. Sexually abused as a child she became involved in one relationship after another, and three of her children's fathers are now dead as a result of gang activities. She lived with 15 other people in a two-bed room house, her children are frequently exposed to violence and abuse. Her 16 year-old boyfriend beat her, threatened her life and sexually assaulted her. Working with her was a challenge but with the help of FSD, Dr. Smith, NOPCA and the Women's Department, all of us pulling together, two years later she is in a house constructed by CYDF, has a job cooking for a school, goes to beauty school at night, lives alone with her children, and with periodic ups and downs is making it and so are her children. With the combined efforts of the agencies, a good attitude she makes it one day at a time.

In the future, NOPCA will continue prevention, advocacy, counseling services, public awareness and education, child participation activities, and encourage strengthening child and family policy nationwide, and advocating for monitoring of the CRC and for the development of a mechanism to hear childrens' complaints. They will be actively engaged in research with universities, UNICEF and finalize a management information system, NOPCA looks to lobbying for the full implementation of the CRC for without it, "children in Belize will continue to suffer unconscionable exploitation and abuse on a daily basis."

### Family Services Division

Marking the international year of the Family in 1994 and simultaneous with the reorganization of the National Committee on Families and Children (NCFC), The Family Services Division was established by the government of Belize with the support of UNICEF, Belize. The Family Services Division is one of five in the Department of Human Development, which is under the administrative authority of the MHDWCS. The Family Service Division is staffed by a coordinator, one secretary, one counsellor, and four staff with various public service designations all of whom provide an array of social work and protective services to children and to their families in Belize District. They are currently housed in the Commercial Centre with COMPAR, NCFC, and Family Court. Envisioned was the concept of "one stop services" for families in Belize City and close proximity to facilitate coordination and cooperation among the various agencies. Despite UNICEF support in this regard, collaboration is less than expected.

Services of the FSD are comprehensive child protection and family support services including:

- ✳ investigations of all reports of abuse and neglect,
- ✳ Family preservation services and permanency planning for children
- ✳ Family reunification services and counselling with families
- ✳ Family support counselling designed to prevent a family dissolution
- ✳ Provision of a comprehensive substitute care system which includes recruitment and licencing of foster homes, and the licencing of private child care facilities nationwide



*And they provide comprehensive child welfare services to children and families*

*with the goal of keeping them together*

*They place children in the Child Care Centre, in foster care*

*and often work long hours protecting children*

*They work circles around their foreign counterparts*

*but it puts children at risk*

*and results in a high stress factor*

- ✳ Recruitment of adoptive families, review of all adoption petitions
- ✳ Placement and post adoption services for children in care
- ✳ Counselling services to a wide range of voluntary requests for service including pregnancy counselling, and domestic violence
- ✳ Counsel children who are uncontrollable, runaway, have drug and alcohol problems, truancy
- ✳ Provide international case work services
- ✳ Public Awareness and Education and Parenting
- ✳ Provide licencing and monitoring for day care services.
- ✳ Respond to the child abuse hot line and weekend and night time emergencies, rotating among the six staff for continuous emergency coverage

Family Services works closely with the Child Care Centre which is a temporary to long term facility housing children who have been placed in the protective custody of the Department of Human Development. While the numbers vary monthly, children in CCC range from an average of 30 children to a high of 40, ranging in age from a few months to 22 years. FSD is also responsible for providing services to children in foster care in Belize District, averaging about 30 children in any given month.

#### Case loads

Case loads for this six-person staff as noted on the table below are extremely high. Three workers are generally assigned child abuse investigations and the related legal and medical and placement responsibilities.

During the first six months of 2000, FSD averaged 59 new investigations a month. Spread among three workers, each worker was responsible for 20 investigations. All allegations must be investigated, regardless of the outcome, and they must be completed within a required time frame. Cases are prioritized based on the seriousness of the allegation and the risk involved to the child and many referrals require immediate investigation.

Case load weighing studies done in the US and England recommend that no worker be assigned more than 10 investigations per month and child abuse investigators do not have additional responsibility for other child welfare cases. This is because of the complexity and seriousness of child abuse and the life and death decisions often required by the social worker. These positions naturally have a high stress factor and a subsequent high turnover and burnout rate. In Belize, investigators, double as generalist child welfare workers and carry additional case responsibilities of family counselling, reunification services, placement foster care, permanency planning, court work, plus rotate weekly emergency call. This over stretching of staff puts children at risk for additional rights violations.

#### **Case Study**

The phone rings off the wall on Monday morning, the work must be prioritized and assigned....

a sibling group of five children came into the Child Care Centre because their parents were jailed; the school is calling and they have a six year old with bruises; the hospital is calling and a child was admitted for severe malnutrition; another one is ready to be released to foster care and the hospital needs the bed; Friday, a child was released from child care and the perpetrator has been released from jail and is on his way home; Hatteville is calling on a child with burrs and transportation is not available, there are three people waiting in the waiting room all with stories of abuse/exploitation.

Three workers are here, one home sick....eight situations requiring attention and decisions must be made and an important meeting in one hour.



It should be noted that the child abuse referrals more than doubled from 1998 to 1999. This dramatic increase may be attributed to mandatory reporting and staff increases who were able to conduct to the investigations. Currently recommended are two additional social workers for FSD in Belize District to meet the ever increasing numbers of referrals. The biggest concern of the coordinator, who has the responsibility for prioritizing and assigning cases, is "due to numbers and limited resources, FSD would be unable to respond in time to prevent harm or at worst, the death of a child." Another concern is the "legal systems seeming inability to remove perpetrators from the home. Invariably they escape prosecution because of technicalities, and return to society to victimize the same or another child."

### Family Services Division - New Referrals, Belize District 1995-1999 (January to June 2000)

NATURE OF CASE	TOTALS					
	1995	1996	1997	1998	1999	*2000
<b>PROTECTIVE SERVICES</b>						
Physical Abuse	49	94	49	59	120	78
Emotional Abuse					8*	10*
Neglect	85*	109	68	78	180	113
Sexual Abuse	24	33	21	29	159	97*
Abandonment	0	39	24	31	43	57
Wandering	0	6	0	6	10	0
Sub-total	158	281	162	203	520	355
<b>VOLUNTARY FAMILY SERVICES</b>						
Uncontrollable Behavior/Runaway	75	43	46	26	75	61
Relinquishments and Placement Requests	0	10	15	6	14	2
Custody	0	62	**	16	62	11
Family Problems/Family Support	19	100	80	81	120	51
International Case Work	0	8	3	5	4	2
Foster Care Adoption Inquiries	84	120	92	45	90	36
Informational & Referral	0	38	37	56	56	35
Sub-total - Voluntary Services	178	381	300	235	421	198
Sub-total - Protective Services	158	281	162	203	520	355
<b>TOTALS</b>	<b>336</b>	<b>662</b>	<b>462</b>	<b>438</b>	<b>941</b>	<b>553</b>

*And requests for other services have doubled*

\*95 neglect was combined with abandonment; \*97 custody was joined with Information and Referral; \*Lower numbers in 97/98 reflective of staff shortage; \*FACA passed in July 98 and SI-Mandatory Reporting in late 98/early 99; \*99/2000 FSD staff increase; \*99 stats includes breakout for emotional abuse in accordance with new law; \*2000 sexual abuse numbers reflect Perpetrator (family member=43; other=54 carnal Knowledge)



*They also need data*

The previous table reflects the data from FSD in Belize District only. While there are reported increases in some districts, others have remained the same or decreased. Information was not accessible for the situational analysis. This underscores the need for a national information system to gather all data required for monitoring of the CRC.

*to help prioritize services to multi problem children and families.*

Children and their families have a multitude of complex and interrelated problems ranging from unemployment to poverty, drug abuse to violence in the family, issues of neglect and malnutrition, physical abuse, sexual abuse and incest, and children acting out in all kinds of ways with absent parents, teenage parents and families who are devastated by HIV-Aids. Workers have noted that the numbers of multi problem families are rising and that children coming into care suffer from more serious emotional problems manifesting in behavioural problems and sexual acting out. Child prostitution cases have been reported in 2000, a new referral category for FSD.

*Child prostitution*

*is increasing and a study is needed*

### Case Studies

#### Study #1

Mel is fifteen years old from Dangriga she presently lives in Belize with her mother, step father and eight siblings. Sexually abused by a family friend in Dangriga, they moved to Belize City to get away from it all. Then her step father sexually abused her while her mother was selling food on the streets. Her mother didn't believe her or couldn't believe her and refused to protect her. Angry and hurt, Mel decided that she would just have sex for money since she clearly has something men want. She now survives on her own, paying her school expenses and buying what she wants and for one reason, money. She doesn't believe in the word love, but she does believe in money. She makes \$150-300 a week for sexual favours and maintains a B average in school. She wants nothing to do with her family, ever.

#### Study #2

Patricia was born in Honduras and is fourteen. She lives on one of Belize's well known islands and is a prostitute. In fact, an entrepreneur of sorts, she is a leader of a gang of six teenage girls who are all prostitutes. Charging a minimum of \$50.00 per client (though they sometimes accept expensive gifts in lieu of cash) she rented four rooms at an expensive hotel. She encourages her girls to use protection and she protects herself by use of a condom.

Her mother knows but does not fight with her. One time she was fearful that her mother would make her go back to Honduras because culturally, she should be looking for an older man to marry her and take care of both her mother and herself. But early she realized she didn't want a husband as was expected. The "girls" are Patricia's family. This is now a family that makes money and their goal is to keep clients happy. When she talked to the social worker, Patricia was not afraid of getting caught, but more afraid of being murdered or of someone giving her a disease.....



*to determine to what extent it is affecting immigrant children*

### Study #3

Rene is a beautiful young woman, much more mature, at least physically, than her 15 years. She and her younger sister were orphaned in Guatemala and a family friend, living in Belize for 13 years, offered to bring them "in the back", illegally. She agreed and when the day came she was excited, but nervous. It was just a few minutes from one side of the river to the other side...they made it!

First they lived in Cotozal and for a couple of weeks things were all right, then her family friend became "a monster" and the house was full of anger, yelling, and emotional abuse. Rene knew she couldn't live there. She met another teenager and off they went to the Cayes. Soon, with her beauty, she was working in a bar (and well-known brothel), making men happy and for the first time in her life, being told she was sweet, beautiful and very special. But that didn't last, the police found out, she was referred to FSD and placed in the youth hostel. She was to be returned to Guatemala, but a special young women with lots of potential, an adoptive placement was found for her with a female staff member. Life has changed now that she is at Youth Enhancement Services, and she hopes to go to high school. But what has happened to her younger sister? And what of the other immigrant children who are here illegally? Those are all other stories waiting to be told....

*FSD is not in districts, nor are Family Court staff*

*creating a lack of access to much needed specialist services and*

*people in villages don't know the law or procedures*

*which often looks like "nothing is being done"*

*to help children and families*

### District-based Family Services

The one FSD counsellor assigned to Belize City also provides district supervision for family service cases and acts as a consultant to the various employees of the MHDWCS, who through the community development officers, are responsible for the provision of the child abuse and family services in districts. There are no family services specialist staffs in districts and no family court counsellors. The roles of these two critical services providers are combined and provided by CDO's and/or other Ministry staff in districts. This is in addition to other responsibilities of the CDO which are distributing social assistance payments and conducting assessments for immediate assistance, providing services to the elderly, community development work and public education and awareness, coordinating and conducting workshops; working on matters of custody and maintenance, working with domestic violence and marital difficulty, working with cases involving juvenile delinquency, uncontrollable behaviour, runaways, teen pregnancy, and issues of foster care, institutionalization, and adoption, administrative responsibilities and travel. This is not intended to be a comprehensive list, it is important to understand the responsibilities and expectations placed on the district based staff of the MHDWCS with only 5% of the recurrent budget allotted to this important ministry.

A recent poll of all the truancy officers in the nation indicated that while district towns had procedures and good working relationships among agencies, the knowledge, awareness and procedures for child abuse had not reached districts, especially villages in districts. Children all over Belize are lacking the services necessary to ensure their right to be free from violence in their homes, schools and communities.

All of these persons require specialized assistance initially when the abuse is discovered and through rehabilitative services by trained social workers and counsellors. Belize repeatedly has recognized that there is a shortage of skilled, trained personnel in all sectors. Despite the improvements in the quantity and quality of services to children and families in the past few years, the seriousness of the problems are in danger of overwhelming both government and NGO resources. There continues to be a shortage of skilled and trained personnel in the social sector and staff continues to be in need of skill based training and administrative support.



*Institutional abuse exists in Belize*

*and no child belongs in an institution,*

*especially the young and the disabled who can not protect themselves,*

*or speak of their fear*

*and Belize is further at risk for sex tourism.*

*Needed is dialogue and established procedures*

*And high standards among professionals*

*Progress has been made*

*But shortfalls remain as long as there are children at risk.*

*Needed are strong advocates for collaboration and adequate resources*

## **Institutional Abuse**

Organized or institutional abuse is a generic term which covers abuse that may involve a number of abusers, a number of abused children and young people and often encompass different forms of abuse. It involves, to a greater or lesser extent, an element of organization, not necessarily for profit. For the purposes of this discussion, the types of institutional abuse that have been reported in Belize are:

- ✳ Abuse of children in institutions by other older children, often who have been the victim of abuse themselves. By mixing these two populations of children, younger children at risk of additional harm.
- ✳ Allegations of organized abuse at the former school of the Dea<sup>2</sup> which resulted in the closing of the school and the failure to prosecute the alleged abusers. A new program has recently been formed at the site of the former Listowel which places children at risk due to isolation and untrained staff.
- ✳ While there have been rumours of pornographic rings, nothing has been substantiated. Information from school community liaison officers indicates that there is organized prostitution of young women for profit in bars in Cayo, Orange Walk, and Corozal District. This has not been reported to the authorities and is not confirmed.

### **Need for Procedure**

Despite mandatory reporting, protocols for institutional or organized abuse are either non-existent or professionals are not informed. Procedures and responsibility for investigations are not clear when there is an allegation of abuse against a teacher, principle, or staff within an institution, nor are there special procedures when an allegation involves a foster care provider or an institution managed by the MHDWCS.

Investigations which come under the category of organized abuse will put inter-agency relations to the test, and procedures including the availability of a neutral party to investigate are necessary. It is essential that such investigations are managed at an appropriate senior level and conducted by staff trained and experienced in joint child abuse investigations. Appropriate procedures, which build upon the principles of the CRC and the recently signed optional protocols for child prostitution will need to be incorporated into law, policy and procedure and people trained nation wide accordingly. The single most important consideration is the safety and well-being of the child.

### **Challenges**

Legal reform made great strides in Belize by enacting the FACA, defining child abuse, and mandating reporting. FSD has done remarkable work in Belize District, the Domestic Violence Unit of the Police Department works extremely well with staff from MHDWCS and MOH, the Women' Department and Family Court has worked diligently on behalf of women in areas of domestic violence. NCPA is and will to continue to be a strong advocate for children. There is a hot line provided by NOPCA and through the generous support of BTL, a national hot line now exists.

However, protection for the most vulnerable child groups from all forms of exploitation remain insufficient, especially for disabled children, immigrant children and children living in villages. Legal reform is incomplete, and there remains a lack of information and awareness on domestic violence and child abuse including a lack of services and alternative placements for children. There are inconsistencies in domestic legislation, including sexual abuse of boys, and most importantly there is a lack of financial and human resources to protect the women and children of Belize. More recently revealed is the abuse of children in institu-



*to change the tide  
of violence*

*and heal the  
victims by working  
together because*

*the cost of failure  
is high*

*Children with  
disabilities are  
first and foremost  
children*

*Governments are  
responsible for  
ensuring  
children's right to  
integration into  
society*

*main streaming in  
schools,*

*in families*

*and in society at  
large.*

*as they have  
special  
vulnerabilities*

*which require  
protection*

tions and also the potential for organized sexual abuse in the form of child prostitution and sex tourism. Violence on the streets remains a concern as well as the unsolved murders of children.

Increasing public awareness and applying the most stringent of sanctions against perpetrators, combined with publicizing decisions with due regard to the child's right to privacy will improve the situation. Finally, assisting persons to recover through the assistance of trained and qualified professionals must be provided to ensure their recovery. What is needed is leadership, bringing all the programs together in a national and concentrated effort to eliminate all forms of violence. Combining and sharing resources is critical in a developing country and a redistribution of appropriate financial and human resources may be necessary. Champions are needed every sector, public and private to wage an all out crusade against violence against women and children.

## Children With Disabilities

### Key Article

**Every mentally or physically disabled child has the right to enjoy a full and descent life.**

**Article 23** of the Convention on the Rights of the Child

The inclusion in the CRC of a specific article on the rights of the disabled child and the inclusion of disability as a specific ground for protection against discrimination under article 2 reflects a growing understanding and acknowledgment of the links between disability and human rights. Article 23 provides further guidance on realizing the rights of the disabled children by acknowledging the need for special care and stressing that assistance should be designed to ensure "access to services" in a manner conducive to the child's achieving the fullest possible social integration and individual development.<sup>102</sup> In accordance with the CRC, governments are required to develop policies for children with disabilities

### The Ministries of Education and Human Development

Both the Ministries of Education and Human Development have a clear and separate duty to provide services to children with disabilities. They should ensure that there is specific policy on children with disabilities including integration of the services and direction to work in collaboration with multi-disciplinary teams in order to avoid the creation of separate and segregated services for disabled children. While there is no overall governmental policy in this area, the philosophy of the Special Education Unit (SEU) and the Disability Services Unit under DHD, within the MHDWCS, work closely together to provide services to children with disabilities. Both units concur that children with special needs and disabilities are first and foremost children and that they have a right to experience as normal a family and community life as possible.

#### Special Education Unit

The main goals of the SEU are:

- ✦ To monitor and supervise the delivery of Special Education program for children with special educational needs;
- ✦ To facilitate and monitor the development of a full range of Special Education within schools and communities, maintaining inclusion as a priority; and
- ✦ To encourage and facilitate the development of Special Education training programs.



requiring  
partnerships and

The SEU has education units in each district, but qualified teachers are a constraint. Training to teach children with special needs is offered at the Belize Teachers College, and the SEU is training teachers from across the country to address the shortage. This will allow the Unit necessary time for other key activities in planning, monitoring and evaluation and to concentrate on the more demanding cases of special needs.

early identification

The SEU electronically logged a total of 1,982 cases during 1999 of which 296 were children with more than one disability. Sixty-four percent of the children were males and approximately 60% of all children were diagnosed as slow learners or as having a learning disability.

by Disabilities  
Services

#### Disabilities Services Unit

DSD staff includes a coordinator, a technician and disability services workers in each of five districts. Stann Creek was without a Disability Services Worker for several months during the reporting period and the Toledo position has been vacant for 10 months at the time of this writing. As of mid year 2000, the data base of DSD now holds records of 2,879 of persons with disabilities, an increase of 579 persons since publication of *Right to a Future 1997*. In 1999, disability services workers, despite staff shortages identified and served 124 new individuals in 1999.

and the special  
education unit

In addition to serving as a member of a district based team, the Disability Services Unit provides a wide range of services including public awareness activities designed to sensitize and educate the public about disabled persons, professional training and parenting education, rehabilitation services including physiotherapy clinics, early detection of disabilities, direct services to persons with disabilities, and activities such as the Special Olympics. They are also responsible for the development of international resources and services for disabled people.

UNICEF

UNICEF has been an important source of financial and technical assistance to both units. Based on international estimates 8 to 13 per cent of the population suffers some form of disability, including learning disabilities. UNICEF projects an estimated nearly 13 thousand children fall into this category.

and BCVI

The Belize Council for the Visually Impaired (BCVI) is the most recognized NGO working with disabled persons. BCVI was formed in 1981 and provides comprehensive eye care services to the people of Belize. Working closely with the Ministry of Health, BCVI now covers the whole country and provides a full range of services to people in every district the areas of prevention of blindness, rehabilitation and support, and educational services.

#### Case Study

Maria Helen Sam cried in constant pain the first 13 months of her short life. A Kekchi Indian, she returned to her large family of nine brothers and sisters located in the village of Indian Creek, some miles from P.G. Soon the family noticed an eye irritation and the eye swelling with a corneal tumour that eventually grew to an enormous size. Maria was taken to a visiting team of American doctors who travel yearly to Central America to provide medical and dental services to families in remote villages. Maria's father, Lorenzo took her to the American doctors and asked them to "help my child". Today, Maria with the help of her supportive and caring family is happy, busy, healthy and pain free. The eye surgery went well. A BCVI staff person frequently visits the family to monitor the child's recovery. The whole family beams with pride bringing out a special picture album displaying her "before and after pictures", along with pictures of all the people in Belize and the US who cared enough to make this happen.



Children benefit through vision screening in schools, working with families of blind children, counselling, mainstreaming, and training to itinerant teachers from the Education Department, and the provision of text-books in Braille.

*Not many children are not being served and plans are to study the situation and*

*make new recommendations to Cabinet*

*Children who are disabled require specialized care and the institutions go the extra mile to meet their needs*

### **Challenges**

Currently under study is an analysis of the situation of disabled children. Under consideration, is the establishment of a non-governmental organization which would be responsible for all services to the disabled.

Needed are early identification programmes and an expansion of services, including special education and programmes that continue to encourage inclusion in society. Many children

### **Case Study**

#### **Study #1**

Acres of Love is a small children's homes in the south of Belize. For the Department of Human Development, they may always be depended upon for very specialized services for children. Chico is a good example. Chico was with the Bales for several years. The child, disabled and suffering from seizures was abandoned. Piecing his story together was difficult, but found in the jungle they assumed he screamed to keep animals away. He screamed for weeks when he first came. He ate from the floor and would let no one near him. Gradually with faith, love and patience he began to quiet and respond, but his care and needs were constant and demanding. After several years and specialized care and schooling, he was finally reunited with an uncle, and later died of a seizure. But he had several years of loving care from the staff at his foster family and his own family, thanks to the Bales...

#### **Study #2**

Melinda was brought to the home malnourished and tiny. She wouldn't eat and she couldn't hold down the food. Her mother couldn't care for her and Rodney and Gale committed to family preservation, tried for a while to keep her during the day, returning her at night to try to keep the mother-child bond. But the mother couldn't cope with Melinda and her other children nor could the Bales maintain that schedule. Melinda is a precious child, and has needed hourly feeding day and nights for months. Even the older kids have wanted to help feed her which has been a full time job! Often on the brink of death, the Bales asked for temporary custody from the magistrate court and support from MHDWCS for protection. Every hour on the hour she is fed, but often loses the nourishment. But there is good news, Melinda is finally gaining weight! In just two weeks she has gained almost 1-1/2 pounds!

The visiting district nurse stopped yesterday and she weighed 11 lbs. - 6 oz. She is improving in many ways, and she is getting stronger every day. We are preparing the necessary travel documents to possibly take her to the States to get the defective 'Reflux Valve' evaluated and surgically repaired if needed.

#### **Study #3**

Talk to the director of Kings, who for years has been providing services to disabled children along with the many others for whom she cares. They brought her this tiny baby boy, premature and terribly malnourished...for months, day after day, night after night, she carried him with her everywhere, nestled against her bosom for warmth and protection. He gradually calmed and gained weight. They hope he will catch up though he is still developmentally delayed. The director is often at the airport, with a child requiring specialized surgery or treatments only available in the states. For years one child who was brain damaged had several surgery and she was carefully nurtured back to health several times before she died. Now working closely with the DHD, she provides services to a variety of children which like the Bales, sometimes includes parenting them until their natural death.



are cared for in their families of origin, but need more help. Many children are institutionalized because of their families inability or unwillingness to provide the care. In Belize, the institutions rise to the occasion and also require the special assistance of government.

*Government needs to go the extra mile to help*

Child Care Center in Belize City has been the home of many children with a variety of special needs through out the years. Generally conceived as a short term facility, there is a now young woman who has lived in child care since 1996 and is now 22 years old. \* There is just no where else she can go, nor would she be comfortable. Eight of 39 children in child care during the month of August 2000 were reported as having some time of disability. Acres of Love reported 10 children were classified as special needs.

Governments asks a lot of the institutions, both public and private. The questions that must be asked is if government helps them enough to provide the services necessary to care for disabled children in order to prepare them for a productive life in society.

### **Youth And Drug Abuse**

**Every child shall have the right to be protected from illicit drug use, production and trafficking.**

Article 33 of the Convention on the Right of the Child



## **'The right to a safe environment, free from drugs, gangs and violence'**

*Drug abuse has emerged as a global menace.*

At the 1990 World Summit for Children it was stated in the Plan of Actions that:

*"Drug abuse has emerged as a global menace to very large numbers of young people and, increasingly, children - including permanent damage incurred in the prenatal stages of life. Concerted action is needed by Governments and intergovernmental agencies to combat illicit production, supply, demand, trafficking and distribution of narcotic drugs and psychotropic substances to counter this tragedy. Equally important is community action and education, which are vitally needed to curb both the supply of and the demand for illicit drugs. Tobacco and alcohol abuse are also problems requiring action, especially preventative measures and education among young people."<sup>13</sup>*

*Which is related to multiple rights*

*has long range implications for national development*

*Drugs are easy to get*

Under article 33 of the Convention, countries are tasked with taking all appropriate measures to dissuade children from the illicit use of narcotics and psychotropic substances, and prevent their exploitation via the production and/or trafficking of such substances. In accordance with article 6 (children's right to life and optimum development), article 24 (right to health services and health promotion) and article 29 (education to prepare children for responsible life), this also means providing appropriate rehabilitative care for children and their families affected by drug abuse.

Illicit drug and inappropriate substance use by children threatens not only their health, development and social well-being, but is an open door which can lead to criminality and/or leave them vulnerable to criminal, sexual and other forms of abuse and exploitation. All of which have immediate and long-range implications for national development as well.



The CRCC noted a 'high and increasing incidence of drug and substance abuse among Belizean youth.' Focus group discussions with primary school children conducted by Sandra Varle for NHDAC found that 'children know how to get drugs, and get them easily, if they want them. It seems that it is particularly easy to get alcohol, either from stores or from home.' Shopping for alcohol is not a problem since store clerks generally do not refuse sale of alcohol or cigarettes to minors and when they do, the age old tactic of getting an older person to purchase them is still very effective. Marijuana, too, is readily obtainable on the streets<sup>54</sup>.

*Drug use is evident among the youths of all ethnic groups*

A March 2000 survey of 215 youths ages 13 to 19 and representative of all six districts, found that amongst the 33 respondents who said they smoked tobacco, 42% were Creole; 24.2% Mestizos; and the Garinagu and East Indians represented 15.2% and 12.1% respectively. Eighty-three youths had sampled alcohol. Mestizo and Creole each led the drinkers at 34.9%, followed by the Maya and East Indians with 6% and 4.8% respectively. Of the 32 respondents who said they had used marijuana, 40.6% were Creole; 34.4% Garinagu; Mestizo and East Indians represented 12.5% each. Twenty-one point one percent of respondents used everyday. In all instances, males users significantly outnumbered the females, as did the employed over the unemployed.<sup>55</sup>

A 1998 NDACC school study conducted in Belize City and Dangriga, found almost a quarter of alcohol users, 67% of tobacco users, and 39% of marijuana users first did so before their 14<sup>th</sup> birthday. Nearly 10% started using marijuana before age 10.

*First use of drugs is occurring among adolescents*

#### **% Students using by age of first use**

<b>Age</b>	<b>Tobacco</b>	<b>Marijuana</b>
less than 10	22.5	8.2
10 - 11	11.3	8.2
12 - 13	23.2	22.4
14 - 15	23.2	35.7
16 - 17	14.8	15.3
18+	4.9	10.2

Source: NDACC (1998a) in *Boys to Men*



Usage in the last year and last month give a better indication of regular use.

### Reported Use in the last year/last month among Young Men (%) aged 12 - 18, 1998

*...and quickly  
becomes a regular  
feature in the lives  
of many*

Substance	Use in last year	Use in last month
Alcohol	35.3	22.5
Tobacco	6.2	3.3
Marijuana	4.5	2.8
Crack/Cocaine	1	0.5
Stimulants	1.9	1
Tranquilizers	1.9	1.1

Source: NDACC (1998a) in *Boys to Men*

Further revealed was that friends or family members were the primary source of drugs and that drugs were most often used at home or in that of a friend, suggesting that to some extent, that families may be encouraging their children's use of drugs.<sup>56</sup>

*Friends are  
primary sources  
of drugs*

### % Students' reported source of introduction to various substances

Substance	Family Member	Stranger	Friend	Own	Don't Remember
Alcohol	21.8	2.3	40	25	10.3
Tobacco	10.5	1.2	43.2	43	2.5
Marijuana	12	1.7	66.1	15	4.3
Crack	37.5	12.5	37.5	13	-

Source: NDACC (1998a) in *Boys to Men*

### % Students' reported location of usual use

*And while schools  
tend to be "drug  
free zones", family  
members may be  
encouraging  
children to smoke*

Location	Alcohol	Tobacco	Marijuana	Crack
At home	22.2	27	8.8	22.2
At school	1.9	2.5	0.9	22.2
Friend's house	17.3	18.9	38.1	11.1
Party	26.2	11.3	6.2	22.2
Disco/Bar	8	3.8	0.9	0
Street	6	8.8	23.9	22.2
Park	2.6	3.1	2.7	11.1
Other	15.7	24.5	18.6	11.1

Source: NDACC (1998a) in *Boys to Men*



*Many children do not believe some drugs to be harmful*

Less than half of students in the 1998 NDACC study believed drug usage at any level, was harmful. Alcohol and marijuana were not perceived as dangerous substances, and in fact, alcohol was not even considered a 'drug'. Alcohol has few legal restrictions and is very much part of the male identity in Belize. Marijuana was considered by some respondents to be beneficial, though cigarettes were recognized as being more dangerous, due to the risk of cancer.

*Parents must be informed and get involved in drug intervention*

The very low or non-existent usage of illicit substances at school is a credit to the high level of vigilance in that environment. Still, discussion and the inclusion in school curriculums on the topic of drug abuse are few and far between - not unlike discussing sex. More such programmes and other interventions targeting young people at every level are needed immediately to stem the tide. An impartial review of what data there is clearly calls for urgent parental education as well, and involvement in any intervention efforts. Current laws prohibiting sale of tobacco and alcohol to minors need to be enforced more stringently and penalties imposed for those who supply or sell to children.

*Young people are going to prison for minor drug offences*

Illegal drug use often leads to a life of crime; be it theft in order to purchase drugs or involvement in trafficking and/or production (a 1994 UNICEF report found that a person can make as much as Bz\$81.75 per street sale<sup>97</sup>). A 1997 NDACC survey discovered that nearly 2 out of every 5 inmates admitted to committing a crime while under the influence of drugs. Thirty-nine percent had committed a crime to buy drugs<sup>98</sup>. Department of Corrections (DOC) statistics reveal a recent increase in the use of imprisonment for drug offences, mostly possession of small amounts of marijuana for personal use. In 1998, 283 prison sentences out of 1193 were for drug offences. 34 of these involved children of 18 years.<sup>99</sup>

*Instead of getting the help they need*

Too many of those jailed for minor drug offences are more related to addiction than to criminal behaviour. Sadly, there is a absence of rehabilitative services in or outside of prison. Addicts in the prison system usually end up moving on to stronger substances. There are many young men in Belize that are in need of rehabilitation but the services just aren't available. The result is that only a very few will ever lead normal lives.

*NDACC requires increased resources to broaden its intervention efforts*

#### NDACC

The only agency mandated to address the issue of substance abuse in Belize is National Drug Abuse Control Council (NDACC) which primarily provides drug education in schools; it has no rehabilitation facilities and limited counselling services. A volunteer drug abuse specialist, who worked at NDACC for 6 months, noted the absence of first offender drug education programmes and alternatives to custody involving drug intervention, and no trained personnel to implement such schemes. Consequently, sentencers are often left with no option but to sentence offenders for drug possession to custody.<sup>100</sup>

*More personnel must be trained and placed in the field*

Amongst the volunteer's recommendations is the deployment of trained workers in each district to conduct outreach work with rural communities and "hard to reach" groups; training for social workers and probation officers in basic drug awareness; and first offender programmes and alternatives to custody that target offenders who do not present a public risk.

*Current law must be fine tuned*

No doubt laws need to be reviewed, including a reclassification of drugs and penalties according to potential risks. "the current classification system which includes drugs such as heroin, cocaine and marijuana in the same category (Dangerous Drugs) is misleading."<sup>101</sup>

A concern this consultancy shares with several other recent and related consultancies, is that current "anti drug" education and campaigns are not impacting Belizean youths in the



*Adolescents and young people are not picking up on the current approach to anti-drug messaging*

*because they are not aware of the risks*

*Qualitative research is needed to gain complete understanding of all stages of drug use*

*Often adolescents are considered criminals*

*The CRC's focus is on rehabilitation*

manner desired. Most local messages tend to borrow from western examples and focus on drugs in general, or on what are considered the more dangerous drugs such as cocaine and heroine, of which young people are already wary. The dangers of marijuana and alcohol are not being appreciated, perhaps because they are such an everyday part of life in many areas of Belize. Education needs to focus more on the dangers of specific substances, rather than drugs as a whole. It also needs to be more in depth, rather than rely on variations of "Just Say No", which has proved wholly ineffective in the US. Take for example, the conclusion of a report by the Police Foundation charity in the United Kingdom which said, "most dangerous... is the message that all drugs are equally dangerous. When young people know from their own experience that part of the message is either exaggerated or untrue, there is a serious risk that they will discount all of the rest".<sup>17</sup> 'One of the prerequisites for behaviour change is a high perception of personal risk. This does not appear to be the case amongst a large number of Belizean students.'

### **Challenges**

Certainly, a foremost thrust in drug prevention should be quality research. Although surveys have suggested the numbers of students taking drugs, there have been no in depth qualitative studies into crucial factors such as the reasons why young people get involved in drugs, their perceptions of the risks they entail, or the degree to which they accept or reject education messages. Likewise, there is little research into the whole "environment" of substance abuse, such as the culture of small scale marijuana cultivation and use in many communities or the role of alcohol use (in large quantities) as an integral part of masculinity in Belize. Effective education is never possible without a solid knowledge base of the context into which the education is being introduced. At present, this knowledge base is sketchy at best.<sup>18</sup>

### **The Juvenile Justice System**

The CRC seek to protect children - not from responsibility for their actions - but from consequences and situations that overreach the offense and the child's level of understanding; ensuring their humane treatment, well-being, and opportunities for reform.

Articles 37, 39 and 40 of the Convention address the general situation of children encountering the justice system, and it is these that the Committee is most concerned about<sup>19</sup>. Specifically, Article 37 provides the right to be protected from: torture and other cruel, inhuman or degrading treatment or punishment; life imprisonment without the possibility of parole, and; unlawful or arbitrary detention. Article 39 requires that every effort to rehabilitate and reintegrate into society, child victims of any form of violence, neglect, exploitation or abuse, be undertaken. Article 40 ensures that children and youths who are accused of, being held for or charged with a crime, are extended the same rights of representation and appeal as any adult in Belize; from arrest to sentencing. It also requires the institution of a distinct juvenile justice system for those up to age 15, which stresses positive rather than punitive motivation.

Together, the three articles provide binding force to the following United Nations documents: 1) the Riyadh Guidelines; social policies to prevent and protect young people from offending, 2) the Beijing Rules, which establish a progressive justice system for young persons in conflict with the law, and; 3) the UN Rules for Juveniles Deprived of their Liberty (JDL Rules), that safeguard fundamental rights and establish measures for social re-integration of young people once deprived of their liberty, whether in prison or other institutions.

Children and youths caught up in the justice system are considered to be at risk because of the high degree of penalization inherent in correctional institutions, as opposed to truly



corrective efforts. Too often lawbreakers are convicted and the key "thrown away", neglecting the human capacity for change, and considering the so-called "lawless" to be just that, without merit, potential, or social value. This seems to be the prevailing attitude toward criminals in Belize, and is extended even to adolescents who often are merely "acting out" according to their age and stage of development.

*Belize has the 6<sup>th</sup> highest imprisonment rate in the world, 2<sup>nd</sup> in the region*

A recently published report on the state of juvenile justice in Belize indicates that Belize has the sixth highest rate of imprisonment in the world. Regionally (Central America and the Caribbean), Belize is second only to the Cayman Islands in the percentage of its incarcerated population (approximately 0.05%). Most have been jailed for theft, drugs abuse - mostly marijuana possession - and illegal border entry. Between 1994 and 1998 these offences accounted for between 59% and 77% of persons in jail. Over the past three years, 'there has also been an exponential increase of the illegal entry incarcerations...'<sup>105</sup> And in 1999, police and UNICEF noted 'an increase in gang related activities, primarily on the South side of Belize City, resulting in a number of murders, robberies and like crimes.'<sup>106</sup>

*and most inmates are young men*

In 1999, persons between the ages of 16 and 25 represented the overwhelming majority of prisoners in Belize, with males between 21 and 25 years representing nearly a quarter of the total inmate population. The number of female inmates, on the other hand, have shown a steady decrease in their prison representation over the past several years.<sup>107</sup> The reason for this decrease is unknown.

Precisely how many children are caught up in the juvenile justice system is difficult to ascertain, as reliable statistics are not being kept.

*Poverty, failing families, western acculturation and gang activity are major sources of crime*

#### The Source of Juvenile Crime

The breakdown of the family structure, poverty, few if any employable skills, insufficient education, and the invasion of western media are cited as major culprits in juvenile crime. 'Young men in Belize are vulnerable to crime. They often live in poverty; they are exposed to influences and images that raise their aspirations and their purchasing desires beyond their means; they want to be providers yet their education or skills do not afford them the jobs that pay well. Low skilled jobs earn low wages, often too low to support a family or even oneself. Meanwhile, there are many young men in similar situations who have come together and formed groups. In a number of cases, this leads to gang membership - a life of violence, crime, drug use and extreme risk taking behaviour follows.'<sup>108</sup> Poverty, alone has been identified as 'a common denominator that runs through 98% of the cases of criminal behaviour.'<sup>109</sup>

*and sow the seeds of juvenile crime*

*By law, age 9 to 14 delinquents are considered juvenile offenders*

#### Age of Criminal Responsibility

Under the Juvenile Offenders Ordinance (*Laws of Belize*, 1936, Cap. 54) the age of criminal responsibility begins at 9 years (the Criminal Code, *Laws of Belize*, Cap.84), and a youth from 14 up to 16 years of age can be tried and sentenced as an adult. This makes a "juvenile offender" anyone between the age of 9 and 16. The low minimum age of legal responsibility is a matter of 'grave concern' for the CRC Committee, which found the Ordinance and Criminal Code to be out of sync with the spirit of the Convention's article 40, rule 3 of the Beijing Rules, and the Riyadh Guidelines, and encourages setting the minimum age at 18. The Families and Children Act of 1998 defines a "child" as being less than 18 years, but the laws relating to juveniles have not been amended accordingly.<sup>110</sup>

*a matter of 'grave concern' for the CRCC*

#### Apprehension and Police Custody

With no one at home to tell them any different, boys tend to hang out on the streets where they may quickly come to the attention of patrolling police officers. The Criminal Investiga-



*Boys, particularly Creoles, are being targeted by the police*

tion Branch of the National Police Force has confirmed use of profiling in the apprehension of suspects, resulting in a "vastly disproportionate number [of black Creoles] within the penal system... Members of the Human Rights Commission Belize (HRCB) further stated that it seems that victimization of young, black men by police is widespread, particularly in Belize City."<sup>71</sup>

*a clear violation of their rights*

Whether or not profiling is a violation of the Constitution is debatable. Under article 2 of the CRC the practice is clearly discriminatory, disrespectful of the views of the child (art. 12), and a denial of the child's right to fundamental freedoms and guarantees (art. 40).

*nor are they informed of their rights*

Upon apprehension by the police, while suspects are routinely subjected to lectures on right and wrong, they are rarely if ever informed of their rights under the law.

*Accusations of police abuse are prevalent*

Stories of unfair treatment, beatings, torture and abuse of power are frequent complaints levelled against the police<sup>72</sup>. In the first nine months of its operation, the newly created Office of the Ombudsman handled 50 such complaints against the police department<sup>73</sup>.

### Case Studies

When he was picked up by police, 15 year old YEA inmate, "Tommy", says he was "brutalized" (punched and kicked) during interrogation, and was not told of his rights. "Police do not do that.. They say when you are in the station you have no rights. You have no rights." At trial, he had no legal representation, and his aunt had to speak on his behalf, saying that he is not a child who gives trouble. Tommy says that he had only ever committed a single other offence at age 12, for which he spent one month at Youth Hostel. He feels the officer who handled his case, lied about him, and took advantage of him.

*Lack of maturity and knowledge of the judicial system denies many their right to a fair trial/hearing*

#### Legal Representation

At trial or before a magistrate, few children are extended, nor can they afford, legal representation. Parents/guardians are advised to attend all court proceedings, but often must be escorted by police officers to fulfill this responsibility. Children (and their parents if they have the facts of the case) may give evidence and cross-examine witnesses. However, access to a fair trial/hearing is limited by the child's maturity and/or the parent's lack of legal acumen. They are unable to defend themselves. No doubt, most children will be intimidated by the presence of a police prosecutor and may, rightly or wrongly, fear repercussions if their evidence contradicts that of police.

*Non-English speakers are particularly vulnerable*

Under the Juvenile Offenders Ordinance magistrates have a duty to explain the alleged offence in simple language. Although English is the official language of the Court magistrates frequently use Creole, spoken by the majority of children. According to Magistrate Nicholas (Family Court), Spanish-speaking interpreters are available to the courts in all districts; however, this is not a legislative requirement and the HRCB has received complaints about incomplete and inaccurate interpretation. It has also heard concerns that the language of the court is usually not child friendly either in content or presentation, compounding children's difficulties in understanding proceedings.

*The Legal Aid Centre needs greater support*

There is a Legal Aid Center located in Belize City, but it is staffed by a single full-time attorney, on loan from the Deputy Police Prosecutor's Office, and professional legal representation is mandatory only for capital offences. The Attorney General has proposed the



*and court proceedings are expensive*

*Sentencers lament the lack of rehabilitative alternative for juveniles*

*The use of CSO's was allowed to wither*

*YEA is not perfect*

*... but it seems to work ...*

establishment of a privately funded Legal Aid Trust; to assist qualifying cases in obtaining legal advice; the provision of Commonwealth legal aid volunteers, particularly in the districts; and the involvement of the Bar Association in providing a minimum number of hours of legal aid services to the community. Such reforms would help to ensure that the special circumstances of children (age, level of maturity, access to information, etc.) are accounted for, but to date, plans to implement these proposals have not been realized.

Economic discrimination creeps into the process when appeals are filed, because the cost of purchasing notes of the court proceedings and instructing a lawyer to file the appeal is beyond the means of most offenders. Additionally, parents/guardians and children often lack the intellectual capacity to follow procedures.

#### Alternatives to Detention and Incarceration

There are few alternatives to removing juvenile offenders from their families and home environments, and endangering their development by placing them in proximity to hardened criminals. In fact, many magistrates lament the lack of sentencing options for juveniles, who they see as being 'in need of salvaging... before they descend into the world of crime'. Concurrently public opinion is that criminals - no matter their age - should receive the severest punishment possible. Still, schemes have been devised to divert juveniles a way from punitive sentences and into more rehabilitative programmes.

Under the Criminal Justice Regulations, created in 1994, Community Service Orders (CSO) could be used to sentence offenders over 14 years to between 40 and 240 hours (a maximum 120 hours for those under 16 years) of community service. Misuse, mismanagement, a lack of funding, staff training and public sensitization, however, allowed the programme to fall out of favour, and now is rarely used.

#### **Youth Enhancement Academy**

The Youth Enhancement Academy (YEA) as an alternative is intended for youths 14 to 21 years of age, who must "graduate" from a military-style Boot Camp at Hattiesville Prison. YEA is designed to provide discipline and academic/vocational training. It was noted by the CRCC that convicted men older than 21 (a violation of CRC commitments and UN guidelines) continue to freely mix with inmates as young as 13. These older inmates often serve as dormitory prefects and are generally looked up to by the younger inmates.

Since November of 1999 and according YEA's director, adult inmates are there solely for the purpose of maintaining prison grounds, facilities and equipment; running the kitchen, and; some are utilized as vocational and academic instructors. Adults are housed in separate dormitories and are otherwise not allowed to be present at YEA.

*'Inmates over the age of what we consider "youth" are here simply for their particular skill that they can bring to the academy. You'll find out that the older guys we have here - we call them "Seniors" - are people who have various skills; electrical skills, woodwork skills, auto mechanic; I mean the variety of things that the institution needs. In fact, these same inmates are utilized as instructors to coordinate, implement and ensure that the particular skills they are in, we use them to teach those programmes. So, they play a very vital role at the academy; for their own rehabilitation, because they are doing work, they are being efficient, they're utilizing their skills, and they are teaching it to the younger guys who, eventually are gaining from it, and thus providing for the overall programmes at the academy. It's very important that they are here.'*<sup>24</sup>



*and could do better with more funding and resources*

A post-YEA pilot programme "Mending Broken Ties", which will operate much like CSOs is expected to begin during the summer of 2000. In order to succeed, YEA is badly in need of greater financial and other resource allocation. The Assistant Director, for example, confirms YEA is doing the best it can with an insufficient annual budget, most of which (Bz\$16,000/mo.) is earmarked for food and sundries.

*"The idea of sending once criminal element of society back into society as a productive citizen is something beautiful. It contributes to the entire community and entire society. As soon as people realize that rehabilitation might cost more initially - and it will cost less in the longer run - I think then YEA, prison and other types of institutions like this would then be in a better position to do what they are supposed to do."*

*reform of the system is highly recommended*

### **Challenges**

Recommendations for Juvenile Justice have been established through a previous consultancy which primarily recommends juvenile reform in light of articles 37, 40 and the Beijing Rules, the Riyadh Guidelines, and the UN Rules for the Protection of Juveniles Deprived of their Liberty. Further recommended is:

- ✳ alternatives to custody;
- ✳ an increase of the legal minimum age of criminal responsibility to conform with CRC;
- ✳ undertake further measures including allocation of adequate human/financial resources, development of youth-friendly care and rehabilitation facilities.

*with emphasis on the needs of adolescents*

UNICEF and many of the partners are encouraging emphasis on adolescents and their needs in order to address the rights violations and shortfalls that compound the many difficulties facing today's adolescents.