

BELIZE

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child	2 Mar 1990	2 May 1990 ¹	
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	6 Sep 2000	1 Dec 2003	
Protocol to Prevent, Suppress and Punish Trafficking in Persons		26 Sept 2003 a	
UN Optional Protocol on the Involvement of Children in Armed Conflict	6 Sep 2000	1 Dec 2003	
International Convention for the Protection of All Persons from Enforced Disappearance		14 Aug 2015 a	
Hague Convention on International Child Abduction		22 Jun 1989 ²	1 Sep 1989

Since its ratification of the CRC in early 1990, Belize has made significant improvements to its child protection systems. Belize has established a Family Court, a Family Services Division (FSD) of the Ministry of Human Development and Social Transformation, and a National Committee for Families and Children (NCFC).

Belize is a source, destination, and transit country for children trafficked for the purposes of commercial sexual exploitation. In particular, children are sexually exploited in what experts refer to as the “sugar daddy” phenomenon, where families motivated by extreme poverty and other factors have been known to push their school-aged daughters to provide sexual favors to wealthy older men in exchange for school fees, money, and gifts.³

In addition, cases of domestic sexual abuse against children, committed by someone close to the child, are on the rise and often go unreported.⁴ These cases are of particular concern as domestic child abuse is often a reason children run away from home.

¹ See Convention on the Rights of the Child, G.A. Res. 44/25, 61st plen. mtg., U.N. Doc. A / RES / 44 / 25 (Nov. 20, 1989), entered into force Sep. 2, 1992, Declarations and Reservations, at https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-11&chapter=4&lang=en#EndDec (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

² See 1980 Convention on the Civil Aspects of International Child Abduction, Oct. 25, 1980, T.I.A.S. No. 11670, 1343 U.N.T.S. 98 Reservations, at <https://www.hcch.net/en/instruments/conventions/status-table/notifications/?csid=608&disp=resdn> (last visited June 29, 2016) (on file with the International Centre for Missing & Exploited Children).

³ U.S. TIP Report 2011, *supra* note 25, page 88.

⁴ International Labour Organization International Programme on the Elimination of Child Labour (ILO/IPEC). *The Commercial Sexual Exploitation of Children and Adolescents in Belize*, 2006, page 37. Henceforth referred to as ILO/IPEC (2006). Available at:

Although Belize is a member of the *Missing Latin Americans Initiative* and has a Missing Persons Unit under the Belize Police, the country lacks clearly defined categories of missing children, particularly children who run away. Thus, Belize's work on missing children focuses only on the criminal aspects (i.e. abduction and kidnapping) leaving many children unprotected, especially those who have run away or gone missing under unknown circumstances.

Current legislative language also hinders proactive investigation of children that go missing. For example, the abduction statute only applies to female children while child stealing only applies to children under the age of 12. Such inconsistencies leave male children and adolescents under-protected.⁵

There is also no legislation to prevent someone from removing a child from the country without the permission of the child's legal guardian(s) or parent(s). The absence of formal border regulations for the entry and exit of children and/or the requirement of parental consent to obtain travel documents not only poses significant challenges in the investigation of parental abduction cases, particularly given that Belize is a signatory to the Hague Convention on Child Abduction, but also leaves children far more vulnerable to international trafficking.

Furthermore, many child advocates stress that the existing legislation concerning parental abduction contains language that reflects subjective value judgments, generally negative, that designate people as possessions and conveys the perception of women and children as objects.⁶

While the questionnaire responded to by the Belize Police did include parental abduction as a category of child abduction, the Criminal Code does not seem to expressly criminalize parental abduction, but does include a clause that says:

“Notwithstanding the general provisions of Title V with respect to mistake of law, a person is **not guilty** of stealing or of abduction of another person **by anything which he does in the belief that he is entitled by law as a parent, guardian, or by virtue of any other legal right**, to take or detain the other person for the purposes for which he takes or detains him (...) Provided that this rule shall not be construed to exempt a person from liability to punishment (a) on the plea that he did not know or believe, or had not the means of knowing that the age of the other person was under twelve or sixteen years, as the case may be; or (b) for stealing or abduction if he took or detained the other person for any immoral purpose.”⁷

This noted defense can be seen as providing justification for parental abductions, which as described earlier, may be considered as a form of child abuse.

http://white.oit.org.pe/ipec/documentos/csec_in_belize.pdf (last visited October 5, 2011; on file with the International Centre for Missing & Exploited Children).

⁵ Response to the questionnaire from the Belize police pointed to the following crimes of abduction, under the Criminal Code Chapter 101 of the Laws of Belize:

- Criminal Code of Belize Article 55: defines “child stealing” as the abduction of a person of less than 12 years of age.
- Criminal Code of Belize Article 56: “abduction” protects unmarried females less than 18 years of age.

⁶ The Criminal Code of Belize, Chapter 101, Article 76(2) (2000): “For the purposes of this section it is not necessary to prove that the person stolen had been taken from the care, charge or possession of any person if it be shown that some person other than the accused person was entitled to the control or possession of the person stolen”. (on file with the International Centre for Missing & Exploited Children).

⁷ *Id.* at Chapter 101, Art. 78(2).

Notwithstanding the absence of legislation concerning missing children, Belize's Missing Persons Unit has a thorough internal policy detailing how to respond to missing children's cases. This policy not only mandates the immediate search for missing children, but as stated in the questionnaire:

[T]here is no ground for the misconception that a person must be missing for 24 hours before our department can become involved. It is therefore vital that Police Officers receiving missing persons report more so that a missing child that their initial response is adequate as this response may actually determine whether the child is recovered and returned safely or worse yet, if found dead.... No other criminal investigation is as time sensitive as this type of case where the very life of the victim often may depend on the swift and effective mobilization of our investigative resources.⁸

The Belize Police Department can be commended for having a formally drafted policy. However, in practice, implementation of this policy is sporadic and not fully communicated to the public. During informal interviews in-country, ICMEC was informed of several instances where a child went missing and families were told to wait 24 hours before filing a police report. Immediate response and investigation in practice is of critical importance.

The Belize Police Department also indicated in the questionnaire that they are the only agency engaged on missing children cases. However, it can be very useful for such agencies to join forces with local NGOs and the private sector to amplify the resources available to search for and recover missing and abducted children. This would be particularly helpful for countries such as Belize, whose police forces face high turnover rates and whose governmental resources are limited, thus making it more difficult to give missing children cases the necessary attention.

⁸ Missing Persons Unit Questionnaire; on file with the International Centre for Missing & Exploited Children. Sent on August 20, 2011.