**ALTERNATIVE REPORT TO THE COMMITTEE ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION**


**In Anticipation of the Committee's Review of Belize and in the Absence of a State Report**


**Submitted by the Coalition for the Human Rights of Persons of Afro-descent in Belize**

**and**

**The Human Rights Commission of Belize**


**Prepared with the assistance of**

**Nyasha Laing, Esq.**
**Legal Consultant**

**Mail: nlaingconsult@gmail.com**

**Tel. 501-604-5571**
**Tel. 917-771-9161**

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## I. Introductory Notes

This Report is addressed to the Committee on the Convention on the Elimination of All Forms of Racial Discrimination (CERD) in Geneva and represents an alternative to the State Report for the reporting periods 1-5 in respect of the CERD. The report was prepared without the benefit of a review of a State Report, and in the absence of data customarily available through official channels. Despite the failure of the State to gather or make available demographic data relevant to the situation of afro-descendant populations *vis a vis* its treaty obligations under the CERD, this shadow report seeks to present the CERD Committee with a holistic portrait of the most critical structural, cultural, economic, and institutional conditions affecting Afro-descendants in Belize. Research carried out for the preparation of this report employed a four-pronged methodology: (1) extensive review of statistical data relating to social indicators affecting Afro-descendants; (2) participation in, and review of, research and literature relating to the issues surrounding juveniles and crime control in Belize; (3) youth focus groups; and (4) consultation with academics, officials, and members of civil society. The report represents the culmination of a training and sensitization process initiated by members of the Government of Belize in 2010, the resulting undertakings on the part of civil society stakeholders being viewed by them as a fortuitous opportunity to assist in the fulfillment of its treaty reporting obligations. In this regard, the parties look forward to collaborating with key stakeholders to achieve national dialogue around the human rights of Afro-descendant persons, and all persons in Belize.

## II. Executive Summary

Belize is a country experiencing which has experienced significant demographic and cultural changes in recent decades and whose populations currently undergoing a process of transition from largely rural to urban. These shifts have revealed and compounded a post-colonial situation of de facto racial discrimination against afro-descendant communities that has not been ameliorated by government policies conscious of the importance of racial tolerance and diversity and education in reducing racial and ethnic stigmas, and improving equal access and equal protection under the law. Belize's failure to collect and make available disaggregated statistical data and its failure to report to the Treaty Committee have marginalized afro-descendant communities and stakeholders, creating a lack of access to information that impedes the development of a strong racial identity among afro-descendants, data analysis and the development of social and cultural programs that reflect the needs of afro-descendant communities, and meaningful representations of afro-descendant persons in the media. Furthermore, Belize's failure to implement laws and policies that recognize the equal rights and protection provisions of its Constitution and of the CERD - including laws and policies in the areas of social, cultural, economic rights, access to education, and the equal protection and security of its citizens - have resulted in significant violations of the Convention.

## III. Country Background

### 1. Geographic Location

Belize is located in the Yucatan Peninsula adjacent to Mexico to the Northwest and Guatemala to the Southwest. Belize's lengthy coastline adjoins the Caribbean Sea, and the

coastal areas are rich with marine resources. Belize's total size is 22,960 km², of which

22,800 km² is land and 160 km² is water; which makes the country roughly the size of the

U.S. State of Massachusetts. Because of its proximity to both, Belize has always enjoyed a

friendly relationship with the Caribbean and Central America. The country has been a

member of the Caribbean Community (CARICOM) regional block since 1974 and has also

maintained membership in the Central American Integration System and the Organization of

American States, indicating a bifurcated national identity resulting from the interplay of

historical, political, economic, social, and cultural ties to both the Caribbean and Central

American regions.

2. Demographic Situation

Belize is a diverse country located physically and figuratively at the crossroads of Latin

America and the Caribbean. Its official language is English, the majority of its people

speaking English Creole as a first or second language. The population of Belize, according

to preliminary census data for 2011, totaled 323,359, with over 65% of the population under

the age of 25. Almost one-third of the entire country's population resides in the Belize

District, the majority of these situated in Belize City, the country's commercial hub. San

Ignacio, Orange Walk, Corozal, and Dangriga are the towns representing the next

significant population centers. There are four main ethnic groups in Belize. The most

prevalent today are the Mestizo, who constitute almost half of the population. Northern

Belize is home to the largest percentage of Mestizos, who constitute 52% of the total

population. The second largest group comprises the Creoles, who account for 21% and are

the predominant group in the Belize district, where they comprise over half the population.

The third largest group is that comprising Kekchi and Mopan Maya, or 10% of the

population. The Garifuna comprise approximately 4.6% and are most predominant in the Southern districts of Stann Creek and Toledo. In descending proportions, Belize is also home to first, second, and third generation families of varying Asian and Middle Eastern descent, as well as Mennonites and other Caucasians. It is remarkable to note that 6 per cent of the total population identified as "Mixed" or "Other" or were unsure of their ethnicity in the 2010 Census results, indicating a plethora of mixed ethnic identities.

While rural communities remain prominent and many are thriving, Belize is experiencing a steady transition from rural to urban. Having seen rapid population growth in just over a decade, from 242,042 in the 2000 Census to 303,422 in 2010, Belize has also experienced demographic shifts and significant growth in town centers such as Dangriga and Orange Walk that contribute to commerce and agricultural production. This urbanization trend is likely to continue, as shown in Table 1.1, and with it, competition in the labour force among ethnic and racial groups.

IV. Sociocultural and Historical Framework

Afro-descendants represented the largest and the most culturally significant group in colonial Belize until recent years. The country having been legally established as a slave colony of Great Britain in 1862, an independent Anglophile Black Creole society began to emerge in the decades after emancipation in 1838, with Afro-descendants holding key positions in business, civil society, religion, education, and law enforcement. The remainder of the afro-descendant population remained relegated to wage jobs in service, agriculture, and forestry. In the Stann Creek and Toledo districts, a largely agricultural Afro-indigenous Garifuna population remained largely isolated from the Creole populations of the North

until the latter part of the 20$^{\text{th}}$ century when the process of urbanization began. The Garifuna population engaged primarily in subsistence agriculture, fishing, and forestry. In the late nineteenth and twentieth centuries, with the influx of Mestizo migrants and refugees from neighboring countries, and eventually those of Asian and Middle Eastern origin, the Creole and Garifuna populations dwindled and Mestizo representation in the population began to surpass that of the Afro-descendants.

Another modern characteristic of the local population resulting in major population shifts is migration. In two major waves of migration occurring in the 1960's to the 1980's, an estimated 60,000 Creole and Garifuna persons migrated to the United States to pursue higher education, employment, or improved living conditions – gradually reducing the Creole population from over 60% to percentiles in the 50's, 40's, 30's and 20's[2] and putting the Garifuna community at 7.1% in 2000 and 4.6% in 2010. Today, this cycle of migration continues, with afro-descendant and other families migrating and in most instances to pursue higher education and work opportunities. These acquire gain economic support and legal status from burgeoning family networks in well-established immigrant centers in the United States such as Miami, Houston, New York, Chicago, and Los Angeles, and in turn, work hard to provide remittances to their family members who remain confined to Belize.

3. Governing Context

Belize maintains a Westminster type constitutional democracy governed by a Head of State, a Governor General, a bicameral parliament, local officials, and a constitutional court. The Cabinet - the chief policy-making body in the Government machinery - is headed by the

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[2] Myrtle Palacio, Out-migration experiences of a Garifuna community in post-independence Belize (2002).

Prime Minister, who also serves as leader of his political party. The Cabinet Ministers are drawn from the National Assembly, which comprises both the House of Representatives and the Senate. A major structural obstacle in achieving legal reforms has been the operation of a default system whereby laws are both proposed and ratified not by an independent legislature but mainly by the Cabinet Ministers who also hold responsibilities for their respective portfolios. Belize is also a highly politicized society, with the two main political organs, the People's United Party (PUP) and the United Democratic Party (UDP), having a historically contentious relationship causing polarization along political fault lines. The system of patriarchal political patronage has its deepest roots in poor communities, where communities' and individual's expectations are raised by politicians making commitments to their struggling constituencies.[3] The manifestos of both parties recognize principles of racial equality; however, the Constitution of Belize, (adopted in September 1981) remains the only instrument in which principles of racial equality are enshrined.

IV.    Socio-economic and Legal Framework

1.  Background

Despite the existence of an afro-descendant majority until recent decades, racial discrimination has a prominent history in Belize. Racism and its disparate impact can be traced to racial subjugation and slavery, the characteristics and pathologies of which should bear more focused research. During the colonial era, Belize emerged as an alternative trading and security post for the British, and expanded into a colonial market for the export of timber and timber products. The slave economy represented the dominant system

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[3] The Country Poverty Assessment Report for Belize observes that, "attempts at community improvement often fail as elected leaders become entangled in compromises and communities and their members become divided between themselves and from their neighbours, indolent, helpless, cynical, and distrustful." Ibid at 112.

practiced by the British in Belize from the late eighteenth century to the mid nineteenth century. Black slaves shipped during the Middle Passage from major slave trading posts were legally transshipped to Belize via Jamaica between the late eighteenth century and the mid nineteenth century.[4]

Since the establishment of slave settlements, sociologists and historians have observed whether the conditions of slavery in colonial British Honduras were as harsh as in other parts of the Caribbean where racial subjugation justified the maintenance of a slave economy. Due to the proximity of the slaves and masters working in small crews and in isolated forest areas to conduct logging operations, it has been argued by some of these researchers that the overall quality of slavery in Belize was more egalitarian and companionable – a delicate power balance between slave and master, who exerted his power at the risk of desertion or violence by disgruntled slaves.[5] Nevertheless, slavery existed in Belize with all of its basic elements of inhumanity and legal and sociological domination. In addition, the subjugation of black slaves is revealed by the subtle exertion of domination in the form of curfews and prohibitions of cultural activities, as well as the occurrence of slave rebellions during the early part of the nineteenth century.[6]

It is fair to say that the Afro-descendant populations of the country have not historically enjoyed a cohesive Afro-descendant identity, nor has an Afro-descendant identity been reinforced by the State. A plethora of contributing factors are likely to contribute to this challenge; these include racial subjugation and the unique conditions of slavery and colonialism alluded to above; the colonial educational system and a lack of pride in African

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[4] Nigel Bolland, *Colonial Resistance in Belize: Essays in Historical Sociology*, 2003, p. 18-44. Donald C. Simmons, *Confederate Settlements in British Honduras*, McFarland and Company Publishers, 2001.
[5] See, e.g., John L. Stephens, Incidents of Travel in Central America, Chiapas, and Yucutan,1841.
[6] Nigel Bolland, *Colonial Resistance in Belize*, pp. 18-44, 2003.

roots; socio-cultural, linguistic, and geographic and divisions between Garifuna and Creole communities cemented by colonialism[7]; the constant migration of Afro-descendant Belizeans to the United States[8]; a loss of cultural traditions in afro-descendant communities due to urbanization and a lack of intergenerational knowledge transfer[9]. For example – the history of slavery and racial subjugation having never formed a universal part of the curriculum of primary schools – many elder and uneducated persons in Belize believe the myth that institutional slavery never existed in Belize. Another indicator of a lack of a cohesive racial identity factors is the unwillingness by many Belizeans to self-categorize with a racial group – as opposed to with ethnic categories which are invariably reinforced by family ties, traditions, and cultural affiliations.

The Garifuna community is a case somewhat distinct. In 1797 the British expelled the Garifuna from their homeland of St. Vincent in the Eastern Caribbean, and abandoned them on the island of Roatan, Honduras. After a prolonged detention on Roatan during which half of their population was decimated, the remaining Garinagu arrived on the coast of Honduras, and by 1802, a small group made their way to Belize. The mass movement of Garifuna people from Honduras to Belize occurred later in 1832 as Garifuna families fled political persecution after the defeat of conservative Spanish forces that the Garifuna had supported against the colonists.[10] Throughout this experience of migration, and for two centuries after, the Garifuna people, or *Garinagu,* maintained a strong sense of ethnic identity reinforced by afro-indigenous rituals, dance, song and culture passed down. Ethnic pride remains so

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[7] Jason Bradley DeFay, "Identity Matters: Immigration and the Social Construction of Identity in Garifuna Los Angeles," Dissertation Thesis, University of San Diego, 2004, pp. 3-14.
[8] Myrtle Palacio, Out-Migration Experiences of a Garifuna Community in Post-Independence Belize, 2002.
[9] Joseph Palacio, "The Garifuna, A nation across borders: Essays in Social Anthropology," 2005.
[10] Nancie L. Solien Gonzalez, The Sojourners of the Caribbean: Ethnogenesis and Ethnohistory of the Garifuna,1988.

strong and intact within Garifuna communities that many Garinagu still contemplate a return to their homeland St. Vincent and refer to themselves as one nation, a people in exile across the borders of the Central American countries in which they are now dispersed. However, the Garifuna, like the Creole, have faced a crisis of identity and waning ethnic pride, evidenced by the lack of language retention and social stigma against Garifuna language[11] and customs among Garifuna youth in Southern Belize and the Belize District.[12] Many Garifuna communities have faced social exclusion, living in poverty and geographic isolation[13] and facing stigmatization practiced by persons within and outside of their communities. Nevertheless, other than support by the National Institute of Culture and History (NICH) for the establishment of the Gulisi Garifuna Museum in Dangriga, and periodic patronage of Garifuna cultural groups and performer artists, there have been no significant cultural or educational programs implemented in Belize to assist Garifuna communities in preserving their culture and distinct way of life. By enlisting international agencies and donors, the Garinagu of Belize have obtained some support for cultural revival and retention programs but the retention of language and cultural traditions remains a communal crisis. The absence of programs to ameliorate the social stigma historically faced by the Garifuna people should be investigated as an item of urgent interest under Article 7 of the Convention.

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[11] D. M. Bonner, "Garifuna Children's Language Shame: Ethnic Stereotypes, National Affiliation and Transnational Immigration as Factors in National Language Choice in Southern Belize," *Language and Society,* Vo. 30, No. 1, 2001, pp. 81-96.

[12] Nyasha Laing, *Punta Soul* (RT 39:30) (2008), DVD.

[13] During the colonial period, this geographic isolation was legally maintained through the imposition of curfews and travel restrictions compelling the Garifuna community to remain within the boundaries of the Stann Creek district. A cultural void was thereby also developed between Stann Creek and Belize, which lie over one hundred miles apart.

With respect to the retention of cultural heritage, the challenges faced by the Creole population bear some similarity to those being experienced by the Garinagu. The dilemma is characterized by limited retrieval of, and waning appreciation for Creole heritage, including music, folklore, dance, food, healing methods, and other forms of traditional knowledge due in part to the dominance of popular images and cultural influences from the United States and Jamaica. The Creole identity crisis is heightened by the national treatment of *Kriol*, English-relative language commonly spoken in interpersonal and business settings, and in homes throughout the country. The efforts of the Creole Council since 1996 to raise the level of awareness and appreciation of Creole culture and to document and preserve oral and written *Kriol* language have resulted in *Kriol* having been unofficially accepted as a national dialect. However, there are only six recognized national languages: English, Kekchi Maya, Mopan Maya, Yucatec Maya, Garifuna and Spanish. The unofficial policy has led to a status quo where *Kriol* is almost universally spoken and regarded as the *lingua franca*, but English is universally taught and written, and a subtle stigma against the *Kriol* language is maintained. Moreover, for Creole youth and all for whom *Kriol* is the first language[14], the failure to distinguish adequately between English and *Kriol* creates significant English comprehension and literacy challenges in secondary school, in contravention of Article 5(v).[15] The disadvantage placed on Creole and *Kriol* speaking students by inadequate language comprehension, literacy, and bilingual education standards and teaching methodologies has been alluded to even by the Ministry of Education. The Education Sector Strategy notes that "anecdotal evidence suggests that English medium language

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[14] In the 2000 Census, the numbers were 24.9% Creole and 33% speaking *Kriol* as their mother tongue, respectively revealing a more universal indoctrination of the language.
[15] Observation of 40 youth poets in creative writing workshops conducted at the Bliss Centre for Performing Arts Café, May 2011 – May 2012.

education is attractive to Spanish speakers, and a pull factor from neighboring countries, and that Spanish speakers generally acquire English in school, and develop English language proficiency. Conversely, Creole speakers appear to struggle more with English, in all probability because of Creole's close proximity to English which allows for easy establishment of oral communication."[16]

Racial pride remains high among some Afro-descendants in Belize miraculously, despite its lack of reinforcement in the political and educational spheres of society. Examples of this include remnants of the Black Power Movement in Belize, the presence of a Rastafarian community unabashed by stigmatization, a steady demand for afro-conscious media, such as the Amandala newspaper and affiliated KREM Television, and the steadfast movement to preserve Creole and Garifuna culture and language by organizations such as the National *Kriol* Council and the National Garifuna Council, and popular affiliations with African and African-American cultural icons, stories, music, and media images by the public at large.

2. Integration and Diversity

The situation as it relates to cultural diversity and integration in Belize and its obligations under Article 1 is paradoxical. On its face, it would seem that Belize is a country that celebrates the rich diversity of its citizens. However, while Belize is a remarkably heterogeneous country, certain geographic pockets such as Corozal and the island of San Pedro are dominated by one ethnic group, in the case of both mentioned, the Mestizo; and this domination extends to the local public institutions, such as the police, town council, and school administration. Until 2008, symbolic representation of Belize's historically

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[16] Ministry of Education and Youth, Education Sector Strategy 2011-2016 at 25.

prominent Afro-descendant population had not been achieved at the level of equal

representation in the highest office in the land – the Prime Minister. The issue is

compounded by the selective politicization and de-politicization of ethnicity and race in

Belize, through the policies maintained by each respective administration since self-

government in 1964. These varying multipluralist philosophies and their trappings on the

tourism market have been used to unify Belizeans under the banner of nationalism known

generically as *All A We Da One* ("We Are All One.") From self-governance to

independence in 1981, and in subsequent decades, both the PUP and the UDP embraced

ethnic pluralism, identifying attractive cultural features of the main ethnic groups, but

ultimately playing down their differences in a kind of homogenizing estimation of ethnic

purity aimed at strengthening national identity and defending sovereignty in the face of

territorial claims and threats by neighboring Guatemala. Within this framing, the essential

and traditional traits of each ethnic group have been emphasized; meanwhile race has been

de-emphasized; for example, racial categories were removed from the Census during the

1990's in favor of ethnic categories.[17]

Recently, in 2011, a "We Are One" public education campaign was developed as a result of

the establishment of RESTORE Belize, a coordinating office dealing with crime prevention

and community renewal, and its Strategic Plan. The RESTORE Belize Strategic Plan

establishes seven Pillars for development that indicate the intentions of Government:

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[17] Medina, Laurie Kroshus, Defining difference, foraging unity: the co-construction of race, ethnicity and
nation in Belize. Ethnic and Racial Studies Vol 20:4 (1997).

> The Government recognizes and embraces the differences between the various ethnic groups, age groups, genders, cultures, religions, and political groups and rejects distinctions based on these differences. Actions and programmes will reflect these social differences and actively promote harmony and understanding between different social groups.[18]

The language contained in the Strategic Plan is promising; however, nowhere else does the document refer to ethnic diversity or any specific plans to implement this significant Pillar by promoting integrationists movements. Despite the commitments made by the State pursuant to Article 2, the political commitment to racial equality and multipluralism in Belize have not translated into the development, establishment, or implementation of any national programs to promote multiculturalism, diversity and tolerance.

     3.   De Facto Discrimination

As a result of the sociological and cultural conditions prevailing, discrimination against Afro-descendant groups in Belize is happening in de facto manner without an effort to qualify or quantify its effect. De facto discrimination is occurring within institutions practicing social mores and stigmas and in private life as shaped by policies and practices having broad and lasting impacts across the society at large, including limited economic and cultural opportunities for Afro-descendants and other minorities. Several significant legal omissions by the State contribute to the continuation of this alarming situation and impede the enjoyment by Afro-descendant persons of their human rights, as set forth in Table 3.1.

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[18] Adele Catzim-Sanchez, RESTORE Belize Strategic Plan, 2010-2015 p. 52.

## Table 3.1 - Legal Omissions by the State

> The ***Preamble of the Constitution*** ensures protection to all stating that the People require "policies of State which ensure and safeguard the unity, freedom, sovereignty and territorial integrity of Belize; which eliminate economic and social privilege and disparities among the People of Belize, whether by race, colour, sex or creed." ***However, despite Article 2,*** the non-discrimination provisions of the Constitution have not been incorporated into the major statutes that govern public and private life, such as the Labour Act, the Landlord and Tenant Act, the Property and Land Act, the Immigration Act, the Social Security Act, the Public Service Regulations, the Tourism Trade and Investment Promotion Act, and the Public Health Act.[19]

> In contravention of Article 7, ***Census data is generally collected, categorized, and/presented according to ethnic classifications, minimizing the importance of, and preventing accurate data collection with respect to, racial descent***.

> In contravention of Article 7, the census approach is compounded by the widespread ***absence of racial and ethnic indicators*** in data collected by government agencies involved in the provision of critical services to Afro-descendant an other vulnerable populations, such as the Labor Department, the Ministry of Human Development, and the National Institute of Culture and History.

> In contravention of Article 4, there is no law that criminalizes the formation or activities of racist groups in Belize, or the dissemination of racist propaganda.

> In contravention of Article 1, the equal protection provisions of the Constitution have not been incorporated into major legislation the regulation of crime and security, including the Criminal Code and Summary Jurisdiction Act.

> No national consultations relating to the mentioned issues have been initiated by the public sector, nor have institutional responsibilities been assigned.

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[19] However, Section 2, Rule 168, Part 1-3 of the Education Rules (2000), as amended, provide that, "No citizen of Belize shall be refused admission to any school on account of race, ethnicity, language, political affiliation, region of the country of origin, special needs or because of perceived social and economic status."

IV. Civil Rights

1. Crime and the Protective Environment

The gravity of the crime situation in Belize is having a severe and disparate impact on urban Afro-descendant communities. Belize's homicide rate has been rising steadily since 1999, putting Belize on par with the most violent countries of the region, including Trinidad & Tobago and Jamaica – and the world. Several recent studies attribute the increase in crime to a social breakdown predicted by a host of socio-economic conditions and anti-social behaviors and attitudes. Additional studies reveal Belize City as the hotbed of criminal activity driven by a subculture of trafficking transshipped drugs and a widespread culture of corruption and patronage.[21] An estimated 40-45% of all murders in the country occur in Belize City, an estimated 85% of those murders occur within a four-square -mile radius of neighborhoods known as the Southside[22].

Some of the most concentrated poverty in the country of Belize can be found in the city's predominantly afro-descendant Southside.[23] Sixty-three percent of the residents on the Southside identify as Creole or Garifuna, with another 14% categorizing themselves as mixed or "Other.[24]" Seventy per cent of Belize City's Southside residents, or more than half of the population of the city, are young persons under the age of 35. The majority of residents live, not in nuclear, but non-traditional families, such as single-parent households

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[21] Herbert Gayle, Nelma Mortis, J. Mossiah, J. Hewlett, M. Segura, M. Amaya: Male Social Participation in Belize's Urban Violence, 2010.

[22] Youth and Community Transformation Project Report, at 56. This statistic puts the average murder rate at 135 per 100,000.

[23] Government of Belize and UNICEF: The Situation Analysis of Women and Children in Belize 2011: An Ecological Review, at 37.

[24] Adele Catzim-Sanchez, Youth and Community Transformation Project Report, 2011, p 16.

or with relatives.[25] With a national average household size of 6.1 in 2009 and with 30% of

female headed households being indigent in Belize,[26] families scramble for limited

resources. Less than half of the age-eligible youth in Belize City are enrolled in secondary

school.[27] Pregnancy among girls ages 15-19 is high, exceeding the national average.

Countless cases of pregnancy on the Southside – and in urban areas across the country –

result from transactional sex and the interaction of older men and young girls in and around

the home, compounding the barriers of access to education and employment by women and

maintaining cycles of abuse and poverty.[28] Researcher Adele Catzim-Sanchez further

observes:

> Southside Belize City is one of the harshest ecological environments for raising a child. With the presence of multiple risk factors, widespread crime and violence is almost inevitable…Families are severely fractured and hurting[29]….Hunger is a major driving force behind the expressions of violence prevalent in Southside communities. Because many families are poor, desolate and lacking a moral support base, they are unable to protect children…The violence in the home which breeds violence in the streets serves to perpetuate more violence in the home.[30]

The impact of these socio-economic predictors is seen most vividly on the Southside, where

thousands of undereducated or unemployed, out of school youth are being recruited for gang

related and other criminal activities, and the street violence penetrates unstable homes.

The impact of crime on afro-descendant youth is severe as families live in close proximity

to the violence. The violence in Belize City is largely perpetuated seeking turf control or

status, on a block-by-block basis. *See* Annex 2, Map of Murders occurring in Southside

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[25]Single parent households account for 27% of all households with children under 18. Government of Belize and Caribbean Development Bank: Country Poverty Assessment Report for Belize, 2010, p. 73. The great majority of these are female headed and just over 60% of these have other adults present.
[26] Country Poverty Assessment Report for Belize, p. 71-72.
[27] Ministry of Education Abstract of Statistics, 2010.
[28] Ibid. See also UNICEF Situation Report, pp. 47-57.
[29] An average of 45% of children on Southside Belize City do not live with their biological parents.
[30] Adele Catzim-Sanchez, Youth and Community Transformation Project Report, 2011, p. 56.

Belize. Afro-descendant youth in Belize City report that the physical proximity of their homes to the locales of gang members, or their involvement or loose affiliation with gangs during childhood has "marked" them, making it difficult to leave their neighborhood even temporarily, or to form associations beyond turf and neighborhood lines.[31] The absence of security and a protective environment for afro-descendants particularly those living in Belize City leaves the State in contravention of Article 5(b) and 5(i) of the CERD.

Rather than reducing crime, the response of the Belize Police Department ("BDP") to crime in Southside has alienated vast sections of the community and exacerbated police-community tensions. The Gang Suppression Unit of the BDP, formed in 2010, has come under particular fire from outside observers and proponents of conflict resolution for its aggressive methods of intelligence gathering, interrogation, and apprehension of suspected criminals. In focus groups where youth between the ages of 16 and 25 where questioned, respondents revealed that *all* had been stopped by police, aggressively handled and/or arrested on one or more occasion. In the majority of cases, the police did not explain the reason for accosting the individual, or refused to release the accosted individual unless "intelligence" was provided.[32] Respondents all articulated feeling targeted by the police and an overwhelming lack of confidence in law enforcement, which is likely to contribute to a feeling of insecurity and vulnerability, poor communication and collaboration with the police in intelligence gathering, and the resulting aggravation of gang violence.

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[31] See e.g., Youth and Community Transformation Project Report, 2011; The Global Parish Project, "I Am Alive," (RT: 14:50, 2011), Viewable version at http://www.youtube.com/watch?v=OJRc6Kpp8kA&list=UUYjfqMj3vEd4nO0UszUsvcA&index=3&feature=plcp.
[32] Focus Group, University of the West Indies Open Campus, Belize City, 11 June, 2012.

In 2010, social anthropologist Dr. Herbert Gayle and a team of researchers in Belize

released a report in characterizing the policing framework as a "para military" one that

"serves no purpose in Caribbean realities and should be discontinued. Consultant Harold

Crooks recommended in 2008 that the internal principles and stated objectives of the BPD

be changed to reflect "its crime reduction roles as a means used for the promotion of

FREEDOM, protection of HUMAN RIGHTS, and preservation of TRANQUILITY.[33]"

Shortly before the release of the "Gayle report," the Community Policing Unit ("CPU") of

the Belize Police Department ("BPD") was established, and as a result, several social

programs in Southside communities were established and continue to be maintained by the

BPD, including the Yabra feeding program and a community conflict resolution program.

According to the CPU, the unit plans expansion and intends on establishing greater

engagement of local youth and community actors, a Youth Cadet Corp, a Gang Resistance

Education and Training Program (G.R.E.A.T.), and a Neighborhood Watch Program[34].

The newly developed Community Policing Manual states that the BDP has been

experiencing "significant periods of reforms which includes reorganization." Premised on

the mission, "Police and Citizens Coming Together," the manual envisions the following

outcomes: (1) Safe Communities (2) Confident Communities (3) Professional Policing (4)

Vulnerable Persons and (5) Problem-Solving.[35] The manual also incorporate the principle of

"Partnership," encouraging "partnership-building between the citizens and the police based

on mutual respect, trust and support" and calls on the police to "pay particular attention to

vulnerable groups in the community, such as the elderly, youth, children, disabled and the

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[33] Harold Crooks, Consultant to the Ministry of National Security: *Report on the Police Department,* November 2008, p. 87 (emphasis as written.)
[34] Interview with Douglas Hyde, Community Policing Unit, Yabra Sub-station, Belize City, 18 June, 2012.
[35] Draft Community Policing Manual, Community Policing Unit, Belize (June 2012), p. 17.

homeless.[36]" There is no mention of tolerance to racial and ethnic differences or backgrounds within these principles.

Despite the significant advancements demonstrated by the drafting of the CPU Manual, the police force will face daunting challenges to its implementation. Indeed, given the alarming spike of crime in recent months, implementation of the Manual in the present reporting cycle is likely to be thwarted altogether unless there is a paradigm shift from within the highest levels of department leadership. A comprehensive assessment of law enforcement and the justice system by researcher Harold Crooks supports this argument:

> "There are very few areas in the BPD where there is such a wide gap between intention and achievement. The SSP who manages the [Community Based Policing] unit gets much lip service and little support from commanding ranks who seem to have little appreciation for the value of [Community Based Policing]...the program has failed the litmus test in the areas of neighborhood engagement, empowerment, and joint problem solving for crime reduction.[37]"

The criminalization of youth, the security imbalance created by gang violence and policy-community tensions, and the stigmatization of Afro-descendant youth by law enforcement has a disparate impact in Belize City, where Afro-descendants comprise up to 64% of the local population.

There is also an overwhelming evidence of social stigma faced by Afro-descendant youth on the Southside, and throughout Belize City. Youth in Belize City report experiencing outright rejection or a perception of being stigmatized when applying for jobs and other

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[36] Ibid at 23-24.
[37] *Review of the Police Department* by Harold Crooks, consultant to the Ministry of National Security, November 2008, p. 131.

opportunities, due to the neighborhood in which they live or their lack of prominent family connections. These sentiments are expressed by Afro-descendant youth ages 15-25:

> I can't get ahead. Once they see the name of the high school that I go to or my home address on my resume, they will bypass my resume without considering a phone call or interview. Unless you have a reputable family name or a connection with the business owner, you will not be hired coming from the Southside, especially because in Belize we have a 'Who-you-know' culture. People are afraid of dealing with us and our 'problems,' and they are unwilling to give us a chance.

The combined effects of the stigma, lack of opportunity, and sociological conditions prevailing on the Southside include psychological ones, including a feeling of helplessness expressed in interviews.[39] In summary, the crime in Southside Belize has three major impacts that contribute to a limiting environment and a climate of de facto discrimination: (1) social and economic exclusion of youth and other Afro-descendants resulting from the stigma attached to crime and its geography; (2) the absence of security, freedom of movement, and a protective environment due to unrestricted violent crime, particularly in Southside Belize City; and (3) violations of the basic rights of non-offending youth, incompetence, and corruption resulting in a total lack of confidence in the justice system and creating anti-social mentalities and conflicts.

2. Equal Protection and Justice Administration

Further compounding the problems concerning crime is the legal and institutional framework for the prosecution of juvenile crimes in Belize. Firstly, while the age of criminal responsibility in the Criminal Code has been raised to 12, protections for young persons

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[39] Focus Group, University of Belize, Belize City, 11 June 2012; The Global Parish Project, "I Am Alive," (RT: 14:50, 2011), http://www.youtube.com/watch?v=OJRc6Kpp8kA&list=UUYjfqMj3vEd4nO0UszUsvcA&index=3&feature=plcp.

within the court system are minimal.[40] By statute, legal aid is required in Belize only for capital offences; and while general consultation services are offered by the office, it is staffed with one attorney with a backlog of cases. Therefore, young persons arrested are not required to, and often are not able to, obtain legal representation by the time they are brought to the magistrate's court, a scenario often leading to the entry of guilty pleas on behalf of the youth and tainted criminal record from an early age – compounding social stigma and police-community conflict, in contravention of Article 5. It is worth noting that an overwhelming percent of inmates at the Hattieville Prison, which houses all prisoners in the country, including those on remand and awaiting trial, and juveniles convicted of or being tried for serious offenses, the vast majority of intakes – as high as 90% - in the past year were of afro-descendant males. The majority of youth housed at the Youth Hostel, whose population comprises juvenile males and females in roughly equal proportions, come from poor families of afro-descent. [41]

Abuses of power by the police are investigated by the Ombudsman's Office, established by the Ombudsman's Act of 1981 to investigate "allegations of improper, unreasonable or inadequate administrative conduct." Under the Act, a tribunal must be called by the Governor-General upon the advice of the Prime Minister. The Ombudsman provides a formal mechanism for the review and investigation of complaints of abuse or corruption by law enforcement. The Office has the authority to investigate any government agency or public official for corruption or abuse of power. Pursuant to the mentioned statute, the Ombudsman is required to prepare a report detailing his/her findings and recommendations

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[40] American Bar Association: Juvenile Justice Assessment for Belize, 2009.
[41] Interviews with Hattieville Prison and Kolbe Foundation officials. Interview with Starla Acosta, Director of Community Rehabilitation, a divison of the Ministry of Human Development and Social Transformation, 31 July 2012.

and submit the report to the relevant agency. If the agency fails to respond to the report, the Ombudsman may submit the matter to the National Assembly for referral of the case to the office of the Department of Public Prosecutions. The Office is fulfilling its role in providing an independent mechanism for the review of complaints by the aggrieved members of the public, the majority of whom are of afro-descent[42]; however, with a budget of under $180,000 BZD, Ombudsman's Office is grossly under-resourced and understaffed. Since December 2011, the post of the Ombudsman remained vacant due to the expiry of the contract of the former Ombudsman and the Office employs one staff worker, one investigator, and one volunteer. Another issue arising from the failure to fully implement the Ombudsman's Act is the default approach with respect to the review of Ombudsman's cases by the Cabinet to handle such matters at the level of the ministries with authority for legal affairs, without resorting to the formalities of a tribunal, leaving the review process open to governmental interference. Other than the Ombudsman's Office, there is no mechanism available nationally for the protection against human rights and equal protection cases under Article 6, and no such cases have been brought in the Supreme Court.

3. Access to Education and Training

Access to education by Belize's afro-descendant populations is a right severely compromised by institutional barriers to the completion of schooling, the quality of education, and the provision of training. The main distinguishing character of Belize's school system is the unique relationship between the central government, local government, and religious based schools through which financial support is provided to both government

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[42] Interview with former Ombudsman, Cynthia Pitts, May 2012. In 2010, the Office of the Ombudsman reported 104 complaints against the police personnel, including 37 allegations of police brutality. *Ibid.*

and parochial schools for the delivery primary and secondary education. Far from ensuring universal access, this scheme ensures full access by a minority of the population, as thirty-one percent of Belize's population is poor.[43] Primary school in Belize is compulsory for children ages 5 to 14. As a result, primary school attendance rates are relatively high in Belize, particularly in its urban areas. Nevertheless, at the primary school level, many youth face educational barriers. 964 students in Belize District, 1099 in Cayo and 888 in Stann Creek repeated at least one year of primary school education in 2010,[44] and over 40% failed to reach the 50% passing mark in final exams.[45]

Moreover, the barriers to entry of secondary school including the cost of tuition, uniforms, and books and the national policy of non-mandatory secondary school attendance has resulted in an alarming situation. Across the country, only **two of five** high school age students are enrolled in secondary school.[46] In certain areas, structural impediments to secondary school have not been removed; in the Stann Creek district for example, only 1176 students enrolled in secondary school in 2011. The poorest performing schools in urban areas such as Belize City's Southside, San Ignacio, and Dangriga are located in predominantly afro-descendant neighborhoods.

While a secondary school financing plan is on the horizon, neither a timetable for implementation nor a budgetary commitment has been set.[47] The provision of vocational training also remains problematic in Belize, where the four ITVET vocational centers

[43] Government of Belize and the Caribbean Development Bank,: Country Poverty Assessment Report for Belize 2010.
[44] Abstract of Education Statistics 2010-2011.
[45] Ministry of Education and Youth, Belize Education Sector Strategy, 2011-2016, p. 21.
[46] Ministry of Education website discussing education reform policies.[46]
[47] Meanwhile in 2011, the Government of Belize provided a limited number of cash grants to assist poor students in attending secondary school.

established in 2001 remain grossly underutilized and have seen no increase in enrollment since their establishment.[48] In Belize City, the ITVET is located at the compound formerly occupied by the renowned Belize Technical College, a highly successful government supported post-secondary school that trained many health practitioners and engineers but was reorganized and eventually disbanded despite public outcry and the ITVET established in its wake. In the Stann Creek district, the ITVET Center is located several miles outside of Dangriga and remains accessible to residents Dangriga and its surrounding villages only by periodically available public bus transportation. Finally, a major obstacle to accessing alternative education in Belize is the requirement that participants in the ITVET program finish high school before entering.

Poor performance by some repeating students, particularly in secondary school, and policies disparately impacting afro-descendant youth, also impedes access and quality of education. Many secondary schools, for example, maintain a policy of refusing grades to students who cannot pay arrears on tuition fees, preventing the student from advancing and creating a situation of exclusion in violation of Article 5. Moreover, secondary schools are not mandated to allow children who have been in the juvenile justice system to continue with their education, and there is a common practice that once a juvenile has been arrested, he/she is automatically expelled from school or suspended and given so many demerits that he can no longer remain at the school. This clearly infringes the rights of the juveniles who have been arrested but not tried and convicted, and moreover, restricts their access to education under Article 5. Finally, teenage pregnancy, which is widely prevalent among afro-descendant youth, presents a serious impediment to the attainment of secondary studies.

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[48] Ministry of Education and Youth, Belize Education Sector Strategy, 2011-2016, pp. 19-22.

As earlier mentioned, the government of Belize maintains a system of patronage of a wide network of parochial schools, including Anglican, Catholic and Methodist, and authority is delegated to these schools to set policy in the standards of admission for youth, including pregnant girls.[49] Thus, secondary schools are not prohibited by the Education Act nor any regulation from maintaining policies that deny admission to pregnant girls.

In addition to barriers to entry of secondary school for thousands of the country's youth, there is an unemployment crisis nationwide, unemployment having risen from 13% in 2009 to 23.3% in 2010[50], the alarming statistics exacerbated by a crisis in the national secondary and tertiary school curriculum that lacks practical application to a job market in which professional and entry-level jobs are limited and in high demand.[51] The overwhelming evidence suggests a disparate impact on urban afro-descendant secondary school age youth who are unemployed or underemployed, and lacking in opportunities for vocational or entrepreneurship skills. While the causes of unemployment are varied, there are significant barriers faced by both Creole and Garifuna persons when entering the labour market, including a perception that a lack of access to education remains a significant contributor to high levels of unemployment among these populations.[52] In the case of the Garifuna, informants shared the perception that discrimination existed on the job market, employers snubbing Garifuna candidates and preferring Hispanic workers. These factors suggest that

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[49]Teenage pregnancy has been seen as a significant factor contributing to the dramtic dropoff in secondary attendance particularly in Southern Belize. "Youth Development, Teenage Pregnancy, and HIV," Presentation by Melissa Sobers, UNAIDS 2010.

[50] National Budget Presentation, House of Representatives, Belize, June 2012.

[51] Herbert Gayle, Nelma Mortis, J. Mossiah, J. Hewlett, M. Segura, M. Amaya: Male Social Participation in Belize's Urban Violence, 2010.

[52] Government of Belize and UNICEF: The Situation Analysis of Women and Children in Belize 2011: An Ecological Review, at 38.

social exclusion and employment barriers are becoming endemic among afro-descendant communities, in violation of Article 5.

V.    Social, Economic, and Cultural Rights

As alluded to earlier, unskilled school dropouts are likely to have fewer alternatives in the local job market with no rapidly developing industries other than tourism and the service sector, and the widespread perception is that limited entry-level jobs are highly coveted by those with more than adequate qualifications. The situation points to an urgent need for entrepreneurship skills training and start-up business assistance in order to contribute to efforts to lift underemployed Afro-descendant communities out of poverty – a recurring theme expressed by participants in surveys conducted in Belize City and Dangriga.[53] Adding to the litany of concerns for established entrepreneurs are prohibitive start up costs including duties and license fees and a lack of access to affordable credit for microbusinesses.[54] The lack of small business promotion, training in distribution, marketing, and advertising, credit, affordable solutions, and the need for transportation of raw materials, storage, processing, and labeling were also common drawbacks. The Youth Business Trust is one model with the potential for success; however, the program trains only a handful of entrepreneurs each year, and has not been able to secure sufficient resources for expansion to a wider cross-section of the target population.

Belize City and Southern Belize exhibit the most severe evidence of patterns of exclusion and de facto discrimination. Belize's Southside is comprised of an intricate web of family lines and social networks; therefore, the ecological challenges of crime, infrastructure and

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[53] Caribbean Development Bank/Government of Belize: Country Poverty Assessment Report, 2010.
[54] National SME Consultations January 26, 2012, March 29, 2012, April 24, 2012.

unemployment are magnified and have ripple effects across the Southside, ghettoizing and redlining the area and making it impervious to economic opportunities. The Banana Belt of rural Stann Creek and Northern Toledo, which accommodates one of Belize's major industries contributing US $30 Million per annum, employs almost exclusively Mestizo workers originating from Belize and neighboring countries.[55] Moreover, the industry has not resulted in the level of vocational training opportunities that could assist in lifting rural families out of poverty. The overall picture is that a significant subgroup which encompasses rural workers and the out of school Afro-descendant youth population is being deprived of its right to participate in the Belizean economy, in contravention of Article 5.

The need for cultural exposure among young Afro-descendants should also be examined by the Committee, particularly in light of the barriers to education and training discussed above. In Belize, few programs exist that provide a nurturing space for the expression of youth talents or to develop their skills in areas in which the national curriculum is devoid, such as artistic expression.[56] A handful of arts related programs are offered in locales such as Placencia, the San Ignacio area, Corozal, and Belize City; however, these remain unavailable to many at risk youth due to unaffordable  fees and the seasonal or short term basis upon which they are offered. The de facto exclusion of Afro-descendant youth from artistic and cultural life and training limits them from pursuing alternative paths of employment in violation of Article 5(v). Moreover, the lack of cohesive programs, policies, plans to increase participation by Afro-descendants in cultural life and training leaves Belize in violation of Article 5(vi). As a UNICEF report notes, "Supporting the equitable

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[55]Jerry Enriquez and Marion Cayetano, Belize Country Strategy for the Banana Industry and Socio-cconomic Development of Stann Creek and Northern Toledo districts (2011-2016), July 2011.
[56] Review of the Festival of the Arts prepared by Nyasha Laing, Consultant to the Institute of Creative Arts, June 2008.

participation of all cultures increases participation, strengthens the attainment of equity in all domains and increases cultural identity and a sense of belonging.[57]" However, despite the overwhelming interest of the public in arts disciplines and creative expression, there is in Belize no national music school, no government-subsidized center for drama, dance, or the visual arts that would serve the general population, no concerted effort to strengthen or support arts training or cultural exposure by teachers and students in disadvantaged schools, and most importantly, no unified curriculum for the provision of arts training in schools.

Finally, Afro-descendant communities face additional hardships impeding a decent quality of life[58], including their inability to obtain decent housing. Southside families interviewed for the 2010 Gayle Report describe housing structures ranging from makeshift constructions to dilapidated wooden houses infested with rodents and wood lice and prone to constant flooding, plumbing leaks and electrical problems. Moreover, the structure of land ownership and occupancy on the Southside creates problems in the delivery of housing assistance programmes. Belize City is full of abandoned lots, undeveloped areas having no electricity or water lines, and neighborhoods crowded with multi-family houses in which families have lived for generations. In the case of the latter, having inherited land from family on which they have lived, or squatted permanently, occupants are often unable to establish a record of ownership, and as a result are prohibited by law from receiving benefits from Ministry of Housing and government-assisted NGO programs. Poor families generally cannot access

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[57]Government of Belize and UNICEF, The Situation Analysis of Women and Children in Belize, 2011: An Ecological Review, at 12.

[58] The right to public health for the Afro-descendant population is also compromised in the absence of programs that address the specific cultural risk factors affecting Afro-descendant communities. In 2007, the adult (15-49 years of age) prevalence of persons living with HIV/AIDS in Belize was the fifth highest amongst all Latin American and Caribbean countries (Country Poverty Assessment, p. 152). On average, Creole and Garifuna males exhibit higher risk factors for the disease, with a larger percentage reporting multiple partners and a preference for no condom usage. (Sean Sebastian, National Sexual Behavior Study, Belize, 2011.)

construction and rehabilitation loans as average interest rates are prohibitive, between 12%

and 16%[59] Overwhelmingly, Afro-descendant residents on the Southside find themselves

with little agency to improve their standard of living. **Urgent and concrete measures must**

**be taken to ameliorate these prevailing socio-economic conditions, pursuant to Article**

**5 of the Convention.**

VI.    Education and Information

Multicultural education and public information in Belize exist on an ad hoc basis, and are

not sufficient to counter long-held negative stereotypes and stigmas towards Afro-

descendants. NICH was established in 2003 as the cultural arm of the government,

encompassing the national Museum and Houses of Culture, the Department of Archeology,

the Institute of Creative Arts, and the Institute of Social and Cultural Research. Through its

work in the respective fields of archeology, cultural expression, arts administration, and

research and education, the agency has been able to contribute to the promotion of tolerance

and diversity in Belize. In July 2012, the institution embarked upon national consultations

with cultural workers and other stakeholders, aimed a producing National Culture Policy.

While NICH's accomplishments in its ten-year existence are noteworthy, it is a relatively

new organization and faces challenges of governance and vision, as well as the under-

resourcing of its programs, with the entire budget totaling just over $9 million[60].

Furthermore, the cultural programs developed by NICH and its partners have not been

adequately incorporated into curriculum at the primary, secondary, or tertiary levels. For

example, comprehensive materials developed by two University of Belize professors for the

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[59] Adele Catzim-Sanchez, Youth and Community Transformation Report and Proposal, at 23.
[60] By far, the largest percentage of NICH's annual budget is allocated to the Institute of Archeology for the
maintenance and excavation of national archeological sites and the maintenance of certain national parks.

teaching of the African and Mayan History curriculum were piloted in several primary schools in 2004. However, notably, while the materials were adopted by the Ministry of Education as part of its core social studies curriculum, there was no effort to provide training or orientation to teachers at the primary level in the comprehension and application of the materials, and the overall response by schools was poor.[61] Furthermore, although a number of books were reproduced, support for the further dissemination of the materials was lacking and they remained in limited circulation.[62]

VII.    Priority Recommendations to the Committee

Based on the findings of this report, the Coalition submits the following recommendations:

1. To amend all relevant legislation to incorporate the non-discrimination and equal protection provisions of the Preamble to the Belize Constitution, and to enact non-discrimination legislation where necessary;

2. To establish and provide adequate resources for a national commission that works to encourage policies, organizations, and education that combat racial discrimination and foster mutual understanding;

3. To implement a national plan of action for human rights that includes legal reforms and training programmes immediately impacting the social, cultural, and economic rights of Afro-descendants under Article 5;

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[61] Interviews with Dr. Joseph Iyo, 23 July, 2012; Interview with an official from Quality Assurance Development Services, a division of the Ministry of Education, 25 July, 2012.
[62] The curriculum and textbook were developed by University of Belize Professor Joseph Iyo and Professor Angel Cal and implemented at the third form level in primary at select schools.

4. To include indicators of racial origin in all official statistics, in particular, statistics related to standard of living and education;

5. To take all necessary actions to implement recommendation # 13 of the Universal Periodic Review 2009 and to ensure that diversity, human rights, and community policing training are implemented at the Police Academy and incorporated into the required continuing education modules for all senior law enforcement officers, including Commissioner, Assistant Commissioner, and CEO of Police;

6. To take all necessary actions to implement recommendation #14 of the 2009 Universal Periodic Review, "to strengthen the office of the Ombudsman and the police department's office of internal affairs in order to improve capacity to hear and investigate complaints;"

7. To universally implement multicultural curricula at the primary and secondary school levels and to support public education programs that promote diversity, tolerance, Afro-descendant history and cultural heritage;

8. To implement inter-cultural bilingual Kriol-English and Garifuna-English language teaching programs reflective of the language education policies of UNESCO;

9. To commit to raising and investing resources to support the specific initiatives and expansion by the Community Policing Unit of the Belize Police Department in gang-affected areas;

10. To implement recommendation #36 of the 2009 Universal Periodic Review, "to step up programs aimed at eradicating poverty and improving social indicators, including health and education;"

11. To adjust the structural land policies and regulations relegating poor Belize City residents to living and remaining in sub-standard housing conditions in high-risk neighborhoods and excluding them from the possibility of land ownership;

12. To take targeted measures to immediately implement entrepreneurship skills training and affirmative action job placement programs that include urban Afro-descendant youth, or to expand such existing programs; and

13. To significantly strengthen fiscal support for arts and cultural programmes serving the target population; and

14. To take concrete steps toward the full incorporation of heritage preservation and multicultural studies in the national educational curriculum, and the dissemination of this information to out-of-school youth.