



National Dialogue on Human Rights, Law and HIV

October 2011, Belize

FACT SHEET

Global Snapshot⁽¹⁾

- In 2010, 106 countries reported having laws, regulations or policies that obstruct access to HIV services for populations at higher risk of HIV exposure⁽²⁾
- 79 countries worldwide criminalize same-sex relations between consenting adults and six apply the death penalty.
- More than 100 countries criminalize some aspect of sex work.
- 32 countries apply the death penalty for some drug offences. 27 countries continue to impose compulsory treatment for drug users.⁽²⁾ Compulsory treatment has a recidivism rate of over 90%; it is an inefficient response to drug dependence, as well as to the heightened risk of HIV infection amongst people who use drugs and those in closed settings.

Situation in Caribbean⁽³⁾

- Adult HIV prevalence in the Caribbean is about 1%, higher than in any other world region outside of sub-Saharan Africa.
- In the Caribbean, every day, there are 50 new infections every day and 33 people die because of AIDS.
- In recent years there has been a slight decline in new HIV infections in the region, from 20,000 in 2001 to 17,000 in 2009.
- Aside from sub-Saharan Africa, the Caribbean is the only region where the proportion of women and girls living with HIV (53%) is higher than that of boys and men.
- Unprotected sex between men and women, especially paid sex, is thought to be the main mode of transmission in the Caribbean.
- 13 countries in the Caribbean region criminalize some aspect of sex work.⁽²⁾
- 11 countries in the Caribbean region criminalize same-sex relations.⁽²⁾
- Up to 4 countries in the Caribbean region impose travel restrictions on people living with HIV.⁽²⁾

SITUATION IN BELIZE

- Belize has an estimated population of 312,698 with an annual population growth of 3.4%. The Country Poverty Assessment (2009) indicates that approximately one third of households live below the poverty line with 10% of households classified as indigent. An additional 13% of households are vulnerable to poverty.
- The estimated adult HIV prevalence rate of Belize is 2.3%.
- Among the population aged 15 – 20 years the HIV prevalence rate is 1.01%.
- The prevalence rate in Belize is the highest rate in Central America and the fourth highest in the Caribbean⁽⁵⁾.
- Belize District reports the highest incidence rates, followed by Cayo.
- In 2010, the number of newly diagnosed HIV infections was 244, indicating a decrease of 33.8% in the number of newly diagnosed HIV infections compared to the year 2009. Compared to 2008, the total reduction of new HIV infections over these two years is 43%. The trend indicates a return to figures of reported new HIV infections prior to the year 2000 when wide scale testing started through the introduction of VCT services countrywide.

- The Belize National Strategic Plan 2011 – 2013 aims to achieve an annual reduction of 30% of the number of new HIV infections among persons aged 15 – 49 and a reduction of the number of annual AIDS-related deaths by 50% compared to the situation in 2010.

People Living with HIV

- Belize's Criminal Code, enacted in 2000, includes an HIV specific law criminalizing "deliberate" or "reckless" HIV exposure or transmission with a maximum prison sentence of ten years. It defines these acts as having vaginal, oral or anal intercourse that "is capable of transmitting bodily fluids" without disclosure of known HIV-positive status. There are no data on the number of prosecutions or convictions.⁽⁹⁾

Young People

- The key age groups of the population most affected remain those between 20 – 49 years of age, with the highest number of infections reported in the 25 – 29 age group.
- The distribution of newly reported HIV cases for young persons under the age of 25 occurs more in females than males. In the age group 15 – 19 years, the rate of reported new infections for girls is twice the rate for boys; in the age group 25 – 29 the sex ratio is close to 1:1 but in the age group 50 - 59 the reported new infection rate for men is twice the rate for women.
- Marriageable age, with parental consent, is 14. The age of consent is 16 unless married.⁽⁶⁾
- In 2009, 50.2% of young people aged 15 – 24 years of age correctly identified consistent condom usage and having an uninfected partner who has no other partners as being ways of preventing transmission of HIV.
- One of the specific goals of the National Strategic Plan is to deliver a curriculum component on "Comprehensive Sexuality Education" to 100% of children enrolled in primary school and 60% of children enrolled in secondary school.
- There is a need for specific legislation that provides a legal basis for testing services for persons under 18. Several agencies have targeted condom distribution for youth and two youth-friendly spaces have been opened and designed as safe places to access information on HIV and other issues.

Sex Workers

- The 2009 Sexual Behaviour Survey indicated that amongst female sex workers, 68% reported rates of being tested in the 12 months prior to the interview. It should be noted that the majority of those interviewed were from urban areas and most likely benefitted from HIV programmes.
- The 2010 TRaC study showed that consistent condom use amongst female sex workers with any partner does not surpass the 40% mark.
- Under the Belize Immigration Act, "any prostitute or homosexual or any person who may be living on or receiving or may have been living on or receiving the proceeds of prostitution or homosexual behaviour..." is prohibited from entering Belize.⁽⁷⁾

Examples of laws and practices that hamper progress on HIV

- Laws and practices that directly or indirectly criminalize and discriminate against people living with HIV and key affected populations at high risk of HIV exposure:
 - Criminalization of same-sex behaviour and aspects of sex work
 - Enforced compulsory detention of drug users, sometimes for years, and in some cases leading to the death penalty
 - Legal barriers that prohibit the possession of needles and syringes, deny access to opioid substitution therapy
 - Travel restrictions imposed on people living with HIV
 - Criminalization of HIV transmission
 - Laws that hinder the establishment of harm reduction programmes
 - Employment laws that prohibit people living with HIV from working in certain sectors
 - Manipulation and misinterpretation of anti-trafficking laws that result in the violation of human rights and/or arrest of key affected populations and people living with HIV
- Laws and practices that can lead to violence and discrimination to be experienced by women:
 - Non-implementation of or weak laws to protect women from violence
 - Laws that deny women equal inheritance and property rights
 - Lack of legislation to address and outlaw bigamy, polygamy and marital rape
 - Forced sterilization of HIV-positive women
- Laws and practices that impede HIV-related treatment access:
 - Free trade agreements that impede the future production of and access to low-cost generic antiretroviral medicines.
 - Disease control acts that mandate people living with HIV be put in isolation and/or imprisoned
- Laws and practices that compromise the rights of children:
 - Impunity to harmful acts towards children
 - Legal barriers that prevent children and young people from accessing prevention and treatment services without parental/guardian consent

¹Figures in this section were drawn from the UNAIDS Report on the Global AIDS Epidemic 2010.

²Making the Law Work for the HIV Response: A snapshot of selected laws that support or block universal access to HIV prevention, treatment, care and support UNAIDS Fact Sheet 2010.

³Facts drawn from the UNAIDS Fact Sheets on the Caribbean.

⁴Figures from the HIV /National Strategic Plan 2011- 2013, Belize.

⁵The Criminal Code Unnatural Crime Section 53, states that "Every person who has carnal intercourse against the order of nature with any person or animal shall be liable to imprisonment for ten years".

⁶Belize Criminal Code (S.84) and Marriage Act (S.4).

⁷Section 26 ii (d) of the Immigration Act 1958.

⁸The HIV /National Strategic Plan 2011- 2013, Belize.

⁹HIV and the Criminal Law, NAM AIDS MAP, October 2010.

¹⁰Gender Based Analysis of HIV / AIDS in Belize, Pan American Health Organization, June 2010.

Sexual Orientation and Gender Identity

- Belize still criminalizes sexual activity between men who have sex with men (MSM) with penalties of ten years imprisonment.⁽⁵⁾ A constitutional challenge to decriminalize consensual sexual relationships between MSM and lesbians has been brought against the Attorney General's Office by United Belize Advocacy Movement (UNIBAM). Indications are that the case will be heard by the Supreme Court in December 2011.
- In 2010, 6.8% of the population received an HIV test. The 2009 Sexual behaviour survey indicated that 77% of men who have sex with men (MSM) reported having been tested in the previous 12 months prior to the interview. It should be noted that the majority of these men were from urban areas and most likely benefitted from HIV programmes.⁽⁴⁾
- The 2010 TRaC study showed that consistent condom use amongst MSM with any partner has fallen into the 50-60% band.

Women

- Reports from a 2006 survey suggest that only 40% of women had comprehensive knowledge about HIV transmission.
- In 2008, 10% of all reported domestic violence cases involved sexual abuse. The link between domestic violence is evidenced by the high number of domestic violence survivors who test positive for HIV. Among those who experienced an act of sexual violence from the age of 15, 28% were HIV positive.
- Mother to child transmission is not completely eliminated in Belize. In 2008, records from the Ministry of Health showed that Mother to child transmission is not completely eliminated in Belize. In 2008, records from the Ministry of Health showed that only 22% of women initiated ante-natal care during the first trimester, 66% during the second trimester and 12% in the third. In 2010, 93.2% of all registered pregnant women were tested or which 0.86% tested positive for HIV. Over 98% of HIV positive pregnant women received ARV during pregnancy or at the time of delivery and over 98% of the newborns received ARV prophylaxis at birth⁽⁴⁾

Global Commission on HIV and the Law

- In June 2010, UNDP and UNAIDS launched the Global Commission on HIV and the Law to analyze the most critical legal and human rights challenges of the HIV epidemic and recommend remedial policies.
- The Commission comprises global leaders on HIV-related legal and human rights issues, including some of the world's best-known jurists, political leaders and policy-makers.
- The Commission is mobilizing public dialogue across the globe to ensure that laws support effective HIV responses. The Commission's findings and recommendations will be announced in early 2012.
- Regional Dialogues have been held to inform the Commission and ensure that it benefits from the views expressed by civil society, including the experiences of key populations, and the views of governments. Dialogues have been held in Bangkok, Thailand (February), Port of Spain, Trinidad & Tobago (April), Chisinau, Moldova (May), Sao Paulo, Brazil (July), Cairo, Egypt (July), Pretoria, South Africa (August) and in California, America (September).
- Information on the Commission can be found at:
www.hivlawcommission.org
- For more information relating to Punitive Laws, Human Rights and HIV responses in high income countries please see

www.unaids.org

www.csis.org

www.ilga.org