



Dr Colin A Young
Chief Executive Officer
Bliss Parade
Belmopan, Cayo District

January 23rd, 2019

Submission regarding LGBT Inclusion for Social Security Benefits

Dear Dr Young,

Please allow us the opportunity to provide this official submission in regards to the LGBT Inclusion for Social Security Benefits. The Social Security System was set up to ensure that all Belizeans have a right in society, so that sickness, economic distress, or old age will not make us outcasts. However, as our submission contends, further inclusion is needed to properly devise a system which truly caters to all persons and families in Belize, including LGBT families.

LGBT families and the diversity and complexity of family structures have evolved and we fully believe that that the time has come to extend the benefits the Social Security Scheme provided to reflect the changing face of the Belizean workers and Belizean families.

For further information or to further discuss our submission, please contact us on 623-6062, or by email ourcirclebze@gmail.com.

Yours sincerely,

Derricia Castillo-Salazar

Vice President of Our Circle on behalf of the Our Circle Team



About Our Circle

Our Circle was formed in 2013 as the peak body for LGBT families in Belize. The acronym LGBT refers to lesbian, gay, bisexual and transgender. The mission of Our Circle is to reflect equality and equity within the diversity of the LGBT community, by encouraging active participation from the community in achieving a solid, safe support system for the LGBT community and families in Belize. Its volunteer Board consists of committed LGBT members who share the common experience of raising families. Our Circle was legally registered as a *Non-Governmental Organization* in January 2017. Our Circle is an incorporated organisation, governed by a constitution which provides a structure for how the group operates.

What is a Rainbow Family?

A Rainbow Family is a same-sex or LGBT parented family. At Our Circle, we define a Rainbow Family as: any lesbian, gay, bisexual, transgender/ gender diverse, intersex, or queer person who identifies with our community and has a child or children; or is planning on having a child or children by way of donor insemination (known or unknown), surrogacy (altruistic or commercial), foster care, foster to adoption, adoption (domestic or international), opposite sex relationship, co-parenting or other means. Rainbow families, like many modern families, come in all shapes and sizes and are formed in many different ways. But the thing we all have in common is that our families are created through love.

For the community, by the community

Our Circle is a volunteer-led organisation, providing a network of support to children and families within the Belizean LGBT community.

Introduction

Since 2013, Our Circle has been working adamantly towards the legal recognition of LGBT families. This includes recognising same-sex de facto relationships, expanding the definition of 'parent' to enable same sex partners to be legal parents. However, there are still areas in which more needs to be done to reflect the experiences of LGBT families and the diversity and complexity of family structures.

As the preface of the "Your Social Security Handbook" clearly states, *"We pay for it, and what we get out in benefits depends on how much we have paid on as contributions"*. As Belizeans we strongly agree with this statement, and we all have stories which reflect that with the Social Security, what you put in is what you get out....except if you are an LGBT Belizean. The Act allows, workers' spouses, children, and other family members eligible to receive benefits in their own right.

Admittedly, over the years, the Social Security Scheme has been adjusted to more effectively protect Belize's workers and their families. In that vein, Our Circle calls to strengthen once again the protections provided by the Social Security to the spouses, children and family members of the Belizean lesbian, gay, bisexual and transgender (LGBT) workers. It is time to acknowledge that Social Security benefits in Belize are far from universal.



LGBT people living and working in Belize are in relationships and have formed families which are denied numerous benefits which are routinely offered to heterosexual couples. As a result, many same-sex couples and their families are excluded from the most basic Social Security benefits, but are obligated to pay into this scheme, leaving hundreds of same sex-spouses and their children without access to this critical safety net.

Our Circle, therefore firmly believes that the time has come to extend the benefits the Social Security Scheme provided to reflect the changing face of the Belizean workers and Belizean families. LGBT people are vital members of the workforce and contribute their equal share to the Social Security Scheme with every pay check.

Systemic discrimination, coupled with the lack of legal relationship recognition, puts this already vulnerable population at an even higher risk of poverty. Due to this discrimination, LGBT people – especially the elderly – have lower incomes and are less likely to be able to save for retirement or disability. Despite lifetime contribution to the system, however, many same-sex couples and their children are denied the benefits of Social Security.

Children of LGBT Parents

Many same-sex couples in Belize form families where one parent is the biological parent and just as with Social Security benefits, adoption is far from universally accessible in Belize. In fact, in order for a partner in a same-sex relationship to adopt the child of a partner, the biological parent must forfeit their parental rights. In the absence of fair adoption laws, hundreds of same-sex parents across the country remain legal strangers to the children they are raising.

The children of many same-sex parents are not included within the umbrella definition of “child” and children of a parent who is not legally recognized are denied these crucial benefits. If these children lose a parent who is not tied to them biologically or through adoption, the Social Security Scheme deems them as not legible to receive any benefit.

Child benefits are intended to help families remain financially stable after a working parent retires, dies or becomes disable, to provide for basic necessities for the child. Children whose parental relationships to a worker are not recognized for the purposes of Social Security, receive nothing when a parent dies or becomes disabled, even if that parent is the primary breadwinner of the family.

Same-Sex Partners

The Social Security Administration does not process applications from same-sex spouses because they do not “*recognize any cohabitation between same-sex couples*”¹. Under the

¹ Ref EAS00/60/4/2/2017(04). Letter from Dr Colin A Young, Chief Executive Officer of the Social Security Board of Belize to Caleb Orozco, Executive Director, United Belize Advocacy Movement. Dated April 18th, 2017



current policy, partners in same-sex couples are considered strangers for the purpose of Social Security. This results in the denial of all benefits regardless of the length of the relationship or the number of children in the household. This financial loss is coupled with the fact that both parents cannot be legally recognized as legal parents. As this generation of Belizeans age over the next ten years, the number of LGBT adults is also expected to grow. The denial of federal protections and benefits to same-sex couples and their children, will put this population at greater risk of poverty.

Same-sex surviving spouses in Belize are denied the option of the eligibility to receive benefits of the decedent's Social Security benefits, potentially reducing the household income substantially, especially when the surviving spouse was not the primary breadwinner.

Options for Protecting All Families

The Social Security Scheme was designed to protect against poverty and hardship when families are faced with retirement, disability, or death of a spouse or parent. However, the system has failed to keep up with the changing face of the Belizean family. The time has come to change these maleficent form of discrimination and steps must be taken to address the inequality by ensuring that the LGBT families are equality supported by Social Security Systems.

Recommendations

- Amend the Social Security Act to ensure all relationships are recognized beyond the scope of "man" and "woman". Just as how provisions were made to accommodate "common law" unions, so should provisions be made to accommodate the other diverse unions, of consenting adults, in Belize.
- The definition of "child" and "family" as interpreted in the Social Security Act excludes many children being raised by same-sex couples. Provisions should be made to reflect the permanent relationship between a legally unrecognized same-sex parent and his or her child.

