

# **BELIZE 2018 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Belize is a constitutional parliamentary democracy. In 2015 the United Democratic Party won 19 of 31 seats in the House of Representatives following generally free and fair multiparty elections.

Civilian authorities maintained effective control over the security forces.

Human rights issues included allegations of unlawful killings by security officers; allegations of corruption by government officials; crimes involving violence targeting lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; trafficking in persons; and child labor.

In some cases the government took steps to prosecute public officials who committed abuses, both administratively and through the courts, but there were few successful prosecutions. While some lower-ranking officials faced disciplinary action, criminal charges, or both, higher-ranking officials were less likely to face punishment, resulting in a perception of impunity.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were allegations that government agents committed arbitrary or unlawful killings. In January a police officer allegedly shot and killed a man from Punta Gorda Town. The officer was believed to have been under the influence of alcohol. While the officer claimed the victim had a firearm in his hand, witnesses contradicted the officer's account. The Police Standards Branch (PSB) investigated the matter, and the officer was criminally charged with manslaughter. As of October he was on interdiction (administrative leave at half pay) pending the outcome of the case. A separate investigation by the Office of the Attorney General found the death was a case of extrajudicial killing and financially compensated the family of the victim.

In February, seven Belize Defense Force (BDF) soldiers and one member of the police's Special Branch Unit seconded to the BDF allegedly beat a man to death in Orange Walk over a suspected cell phone theft. The eight men were taken into

custody and charged with murder. In September the court dismissed the case after the case file was lost.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution prohibits torture or other inhuman punishment, but there were reports that police used excessive force as well as allegations of abuse by security force personnel. The Ombudsman's Office reported that as of June it received 18 complaints of police abuse and unlawful detention. The ombudsman also received complaints against the Immigration and Nationality Department.

In July the mothers of two male minors publicly complained that the Belize Police Department (BPD) physically abused their sons during a police chase. According to police, the minors were being chased after stealing two guns from a security firm. The minors claimed the officers detained and handcuffed them and then severely beat them. Formal complaints were subsequently registered with the PSB.

### **Prison and Detention Center Conditions**

There were no significant reports of prison or detention center conditions that raised human rights concerns.

Physical Conditions: Prisoners in pretrial detention and immigration offenses were not separated from convicted prisoners. Officials used isolation in a small, unlit, unventilated punishment cell to discipline inmates. Conditions in the women's area were significantly better than in the men's compound.

The Kolbe Foundation, a local Christian nonprofit organization, administered the country's only prison, which held men, women, and juveniles. The government retained oversight and monitoring responsibility.

Administration: Authorities conducted proper investigations of credible allegations of mistreatment.

Independent Monitoring: The prison administrator permitted visits from independent human rights observers.

#### **d. Arbitrary Arrest or Detention**

While the constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court, there were several allegations made through the media and to the PSB that the government failed to observe these requirements. In addition, due to substantial delays and a backlog of cases in the justice system, the courts did not bring some minors to trial until they reached age 18. In such cases the defendants were tried as minors.

On September 4, the government imposed a 30-day state of public emergency in two zones of Belize City in response to gang violence. The government authorized BPD agents to detain citizens suspected of gang activity for up to 30 days without levying criminal charges, search homes without the need to present court-sanctioned warrants, impose curfews, and prohibit public assembly. Police officers implemented the state of public emergency with assistance from the BDF. On the first day the legal instrument was introduced, police detained more than 100 persons believed to be affiliated with gang activities. The constitution states that even under a state of emergency, detainees should be charged within seven days of detention, but authorities did not follow the law. After seven days, 70 of the detainees were released and 40 were informed that because of their engagement in gang activity, illegal possession of firearms and ammunition, and suspicion of murder, they were being placed under detention for the remainder of the state of emergency. Under the provision, detained persons have the right to question the reason for their detention before a court. There was no information available if any of the persons sought the intervention of the court. Local human rights observers raised concerns that the conditions under which detainees were being held were inhuman and that minors were being held in the same rooms as adult men. The Human Rights Commission of Belize expressed “grave concern” with the mechanism used by the state in introducing the proclamation, which “allows for the suspension of the fundamental rights and freedoms guaranteed by the constitution.”

#### **Role of the Police and Security Apparatus**

The police are responsible for internal security. The Ministry of National Security is responsible for oversight of police, prisons, the coast guard, and the military.

Although primarily charged with external security, the military also provides limited domestic security support to civilian authorities and has limited powers of arrest that are executed by the BDF for land and littoral areas and the coast guard for coastal and maritime areas. In March the government deployed BDF soldiers to assist with BPD patrols in Southside Belize City in an effort to quell gang violence. The joint patrols were supposed to last 30 days but continued until the end of September.

Civilian authorities maintained effective control over the Ministry of National Security and security forces, and the government has effective mechanisms to investigate and punish abuse. Nevertheless, there were reports of impunity involving the security forces, including reports of police brutality and corruption (primarily extortion cases and involvement in narcotrafficking). The government often ignored reports of police abuse, delayed action, failed to take disciplinary action, or transferred accused officers to other areas within the department.

The PSB investigates complaints against police. The law authorizes the police commissioner to place police personnel on suspension or interdiction. Additionally, authorities use police investigations, coroner inquests, and the Office of Public Prosecutions to evaluate allegations against police. While police officers are under investigation, they remain on active duty in a nonworking, partial pay status. In September police superintendent David Chi and police corporal Norman Anthony were criminally charged with conspiracy to land an airplane on an unauthorized aerodrome and abetment to import cocaine into the country.

### **Arrest Procedures and Treatment of Detainees**

Police must obtain search or arrest warrants issued by a magistrate, except in cases of hot pursuit, when there is probable cause, or when the presence of a firearm is suspected. Police must inform detainees of their rights at the time of arrest and of the cause of their detention within 24 hours of arrest. Police must also bring a detainee before a magistrate to be charged officially within 48 hours. The BPD faced allegations that prior to the introduction of the state of public emergency, its members arbitrarily detained persons beyond 24 hours without charge, did not take detainees directly to a police station, and used detention as a means of intimidation.

The law requires police to follow the Judges' Rules, a code of conduct governing police interaction with arrested persons. Although judges sometimes dismissed cases that involved violations of these rules, they more commonly deemed confessions obtained through violation of the rules to be invalid. Police usually

granted detainees timely access to family members and lawyers, although there were reports of persons held in police detention without the right to contact family or seek legal advice.

By law a police officer in charge of a station or a magistrate's court may grant bail to persons charged with minor offenses. The Supreme Court can grant bail to those charged with more serious crimes, including murder, gang activity, possession of an unlicensed firearm, and specific drug trafficking or sexual offenses. The Supreme Court reviews the bail application within 10 working days.

Arbitrary Arrest: The Office of the Ombudsman received complaints against the BDF claiming unlawful detention involving four Guatemalan nationals who claimed they were apprehended in Guatemalan territory. The complainants accused the BDF of beating them. The four were criminally charged with unlawful possession of firearms and immigration offenses and were subsequently incarcerated. The men claimed they did not have access to legal representation.

Pretrial Detention: Lengthy trial backlogs remained, particularly for serious crimes such as murder. Problems included police delays in completing investigations, lack of evidence collection, court delays in preparing depositions, and adjournments in the courts. Judges occasionally were slow to issue rulings, in some cases taking a year or longer. The time lag between arrest, trial, and conviction generally ranged from six months to four years and in some cases up to seven years. Pretrial detention for persons accused of murder averaged three to four years.

During the year the government took measures to reduce the backlog. Three new justices were named to deal specifically with criminal matters. Several persons in pretrial detention were placed on bail after the court determined their cases were taking too long in police investigation. There was still an extensive criminal backlog, but the civil backlog was mostly resolved.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, and the government generally respected judicial independence.

#### **Trial Procedures**

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right, although delays in holding trials occurred.

The law stipulates that nonjury trials are mandatory in cases involving charges of murder, attempted murder, abetment of murder, and conspiracy to commit murder. Government officials stated the law protects jurors from retribution. A single Supreme Court judge hears these cases. A magistrate generally issues decisions and judgments for lesser crimes after deliberating on the arguments presented by the prosecution and defense.

Defendants enjoy a presumption of innocence, and standard procedure is for the defendant to be informed promptly of the charges and to be present at the trial. If the defendants are under the influence of drugs or alcohol, or there are language barriers, they are informed of the reason of arrest at the earliest possible opportunity. Defendants have the right to defense by counsel and appeal, but the prosecution can apply for the trial to proceed if a defendant skips bail or does not appear in court.

There is no requirement for defendants to have legal representation except in cases involving murder. The Supreme Court's registrar is responsible for appointing an attorney to act on behalf of indigent defendants charged with murder. In lesser cases the court does not provide defendants an attorney, and defendants sometimes represented themselves. The Legal Advice and Services Center, staffed by three attorneys, can provide legal services and representation for a range of civil and criminal cases, including domestic violence and other criminal cases up to attempted murder. These legal aid services were overstretched and could not reach rural areas or districts. Defendants are entitled to adequate time and facilities to prepare a defense or request an adjournment, a common delay tactic. The court provides Spanish interpreters for defendants upon request. Defendants may not be compelled to testify against themselves or confess guilt.

The law allows defendants to confront and question witnesses against them and present witnesses on their behalf. Witnesses may submit written statements into evidence in place of court appearances. Defendants have the right to produce evidence in their defense and examine evidence held by the opposing party or the court.

The rate of acquittals and cases withdrawn by the prosecution due to insufficient evidence continued to be high, particularly for sexual offenses, murder, and gang-related cases. These actions were often due to the failure of witnesses to testify

because of fear for life and personal safety, as well as a lack of basic police investigative or forensic capability in the country.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Individuals and organizations may seek civil remedies for human rights violations through domestic courts, including the Supreme Court. Litigants may appeal cases to the Caribbean Court of Justice, the country's highest appellate court. Individuals can also present petitions to the Inter-American Commission on Human Rights.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judicial system, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Press and Media Freedom: Independent media were active and expressed a wide variety of views without restriction. In May, Belize Telemedia Limited, the state-owned telecommunications provider, stopped advertising with all KREMANDALA companies, one of the most popular media conglomerates in the country. The provider explained it was a general cut on all advertising, but it did not reduce advertising with other media firms. KREMANDALA was known to be critical of the government and was owned by the family of a prominent opposition politician.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 47 percent of the population used the internet in 2017.

## **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights. A state of public emergency was declared on September 4 for 30 days in two areas of Belize City as a result of gang violence, which limited assembly in the areas.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern. Although the government committed to provide protection and assistance to refugees, asylum seekers, persons at risk of becoming stateless, or other persons of concern under the UN Convention on the Status of Refugees, the Belize Refugees Act, and the UN Convention for Statelessness, the government severely restricted approval of asylum applications after reinstating the Refugee Eligibility Committee in 2015.

Citizenship: The government continued to enforce a moratorium on the issuance of Belize citizenship to Guatemalan citizens that started in 2012. The moratorium began in response to complaints that the constitution does not allow for Belizean nationality to be awarded to Guatemalans if they do not renounce their previous nationality first. Guatemala does not have a formal nationality renunciation process, so Guatemalan nationals cannot technically qualify for Belizean citizenship. As a result, several Guatemalan nationals who met the criteria to become Belize citizens found themselves in limbo.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The government does not distinguish between refugees and asylum seekers, as the law itself does not reference asylum seekers--only refugees and recognized refugees. During the year the government granted asylum status to 28 persons of the more than 3,000 applicants. The nongovernmental organization (NGO) Help for Progress, UNHCR's implementing partner in the country, continued to assist by providing limited basic services, including shelter, clothing, and food to refugees and asylum seekers.

Employment: Persons awaiting adjudication of their refugee applications were unable to work legally in the country.

Access to Basic Services: Refugees were able to use the education system and the socialized medical system, but the government offered no assistance with housing or food except in extreme cases that involved children and pregnant women.

Temporary Protection: The Immigration Department issued renewable special residency permits for periods of 60 to 90 days to those who applied for refugee status within the 14-day deadline.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: In municipal elections in March, the United Democratic Party retained 62 percent of all municipal seats, and the People's United Party (PUP) increased its margin to 38 percent. The results of the San Pedro municipal election were challenged in court by the PUP. The court did not find enough evidence to invalidate the results and the case was dismissed.

The law does not allow citizens to hold public office while seeking political office at the same time. During the year the government asked several public officers to resign after they entered their names as political candidates.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. Observers suggested cultural and societal constraints limited the number of women participating in government. Women remained a clear minority in government. Two of 31 members of the House of Representatives and three of 13 senators were women. In the March municipal election, women won 18 of 67 seats. No woman was elected as a mayor. Although both major parties declared they took steps to increase female participation, neither adopted party policies to promote an increase in female candidates.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year.

Corruption: Allegations of corruption in government among public officials, including ministers, chief executive officers, and deputy ministers, were numerous, although no substantial proof was presented in most cases. Investigations into corruption within the Immigration and Nationality Department in the 2011-13 period concluded in January. Public hearings of the investigation revealed several instances of questionable activities involving high-ranking government officials, including ministers of government.

In March Minister of Human Development, Social Transformation, and Poverty Anthony Martinez was accused by one of his former employees of setting up a scheme to profit from public funds. The employee alleged that Martinez asked him to open a bank account where funds would be deposited for the building of low-income houses, and then the money would be withdrawn and passed on to

Martinez. The employee indicated that he was not a contractor and was not involved in any construction but merely carried out a favor for his employer. Martinez denied the accusations, and despite calls from the opposition party, the government did not investigate the minister.

Although the Ombudsman's Office reported fewer official complaints than in previous years, citizens continued to allege corruption against the Lands and Surveys Department in the Ministry of Natural Resources for illegally distributing lands to party associates. Despite accusations of political cronyism, the government insisted that it maintained transparency in the distribution of land.

In 2017 media reported that several land documents indicated questionable transactions in the Lands and Surveys Department. The government pursued legal action against the son of former deputy prime minister Gaspar Vega, Andre Vega, and attorney Sharon Pitts, who were accused of unjustifiably enriching themselves from questionable land transactions while Vega was minister. Vega's case remained before the court. Pitts entered into mediation with the government in an effort to find an amicable solution to return money made in the scheme.

Financial Disclosure: The law requires public officials to submit annual financial disclosure statements, which the Integrity Commission reviews. At the same time, the constitution allows authorities to prohibit citizens from questioning the validity of such statements. Anyone who does so outside a rigidly prescribed procedure is subject to a fine of up to 5,000 Belize dollars (\$2,500), three years' imprisonment, or both. Many public officials did not submit annual financial disclosure statements and suffered no repercussions. In 2017 the Integrity Commission informed 10 members of the National Assembly and 60 members of local governments of their failure to declare their financial affairs. As a result, four members of parliament submitted their reports during the year. In August the commission published the names of eight members of the National Assembly and 34 members of local government who had failed to file sworn declaration of assets for the year.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Government Human Rights Bodies: The ombudsman, although appointed by the government, acts as an independent check on governmental abuses. The Office of the Ombudsman holds a range of procedural and investigative powers, including the right to enter any premise to gather documentation and the right to summon persons. The office operated under significant staffing and financial constraints. The law requires the ombudsman to submit annual reports, and the office wrote a midyear report to address problem trends. The office does not have the power to investigate allegations against the judiciary. While the Office of the Ombudsman technically has wide investigative powers, noncompliance from the offices it investigated severely limited its effectiveness.

The Human Rights Commission, an independent, volunteer-based government agency, continued to operate, but only on an ad hoc basis due to funding and staffing limitations. The commission provided human rights training for police recruits, prison officers, and the BDF.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The criminal code criminalizes rape of men or women, including spousal rape. The code states that a person convicted of rape shall be sentenced to imprisonment for eight years to life, although sentences were sometimes much lighter. Challenges to the wider justice system generally resulted in poor conviction rates for rape.

Domestic violence was often prosecuted with charges such as harm, wounding, grievous harm, rape, and marital rape, but charges were treated as civil matters. Police, prosecutors, and judges recognized both physical violence and mental injury. Penalties include fines or imprisonment for violations. The law empowers the Family Court to issue protection orders against accused offenders.

The government ran awareness campaigns against gender-based and domestic violence, a domestic violence hotline, and shelters, and major police stations had designated domestic abuse officers, although these measures were not always effective.

Sexual Harassment: The law provides protection from sexual harassment in the workplace, including provisions against unfair dismissal of a victim of sexual

harassment in the workplace. The Women's Department recognizes sexual harassment as a subset of sexual violence, but no cases had ever been brought under the sexual harassment protections.

Coercion in Population Control: There were no confirmed reports of coerced abortion or involuntary sterilization. According to the Maya Leaders Alliance and Toledo Alcaldes Association, there were several unconfirmed reports of involuntary sterilization of Maya women. The reports referred to medical missions (mostly church-based) and state-run hospitals where women claimed to have been sterilized during cesarean deliveries (C-sections) without their consent. The Maya NGOs were unable to confirm the cases.

Discrimination: The law provides for the same legal status and rights for women as for men. The law also mandates equal pay for equal work, but the labor commissioner verified that men earned on average 90 Belize dollars (\$45) more per month than women did because they held higher managerial positions. The law provides generally for the continuity of employment and protection against unfair dismissal, including for sexual harassment in the workplace, pregnancy, or HIV status.

The BDF and coast guard lifted a cap on the number of female service members. Despite legal provisions for gender equality and government programs aimed at empowering women, NGOs and other observers reported women faced social and economic discrimination. Although participating in all spheres of national life and outnumbering men in university classrooms and high school graduation rates, women held relatively few top managerial or government positions.

## **Children**

Birth Registration: Citizenship is derived by birth within the country's territory, regardless of the parents' nationality. Citizenship may also be acquired by descent if at least one parent is a citizen of the country. The standard provision is for births to be registered no later than a week after birth; registration after a month is considered late and includes a minimal fine. Failure to register does not result in any denial of public service, but it slows the process for receiving a social security card and therefore accessing health care.

Education: Primary education is free, and education is compulsory between the ages of six and 14; however, primary schools may incorporate other fees, and parents may be required to pay for textbooks, uniforms, and meals.

Child Abuse: Abuse of children occurred. Human service officers expressed concern for male minors being held in detention in deplorable conditions and in the same cells as adult males as part of the state of public emergency.

In March a man was charged with the murder of his 17-month-old stepdaughter. Police believed he sexually molested the baby on two occasions, the latter incident causing her death. In addition to the murder charges, the stepfather was charged with attempted rape and attempted assault of the child.

The law allows authorities to remove a child from an abusive home environment and requires parents to maintain and support children until the age of 18. There were publicized cases of underage girls being victims of sexual abuse and mistreatment, in most cases in their own home or in a relative's home.

The Family Services Division in the Ministry of Human Development is the government office with the lead responsibility for children's problems. The division coordinated programs for children who were victims of domestic violence, advocated remedies in specific cases before the Family Court, conducted public education campaigns, investigated cases of human trafficking in children, and worked with local and international NGOs and UNICEF to promote children's welfare.

Early and Forced Marriage: The legal minimum age to marry is 18, but persons between ages 16 and 18 may marry with the consent of parents, legal guardians, or judicial authority. According to UNICEF, 29 percent of women ages 20 to 49 were married or cohabitating before reaching age 18. The government did not undertake any prevention or mitigation efforts to reduce the rate of early marriage.

Sexual Exploitation of Children: The law establishes penalties for child prostitution, child pornography, child sexual exploitation, and indecent exhibition of a child. It defines a "child" as anyone younger than age 18. The law stipulates that the offense of child prostitution does not apply to persons exploiting 16- and 17-year-old children in sexual activity in exchange for remuneration, gifts, goods, food, or other benefits.

The legal age for consensual sex is 16, but prostitution is not legal under 18. Sexual intercourse with a minor younger than age 14 is an offense punishable by 12 years' to life imprisonment. Unlawful sexual intercourse with a minor age 14-16 is punishable by five to 10 years' imprisonment.

There were anecdotal reports that boys and girls were exploited in child prostitution, including the “sugar daddy” syndrome whereby older men provided money to minors, their families, or both for sexual relations. Similarly, there were reports of increasing exploitation of minors, often to meet the demand of foreign sex tourists in tourist-populated areas or where there were transient and seasonal workers. The law criminalizes the procurement or attempted procurement of “a person” younger than age 18 to engage in prostitution; an offender is liable to eight years’ imprisonment. The government did not effectively enforce laws prohibiting child sex trafficking.

The law establishes a penalty of two years’ imprisonment for persons convicted of publishing or offering for sale any obscene book, writing, or representation.

Displaced Children: There were reports of unaccompanied children who were detained by authorities as they made their way to the United States to join their families. Government agencies worked closely with the embassies of the respective children in an effort to provide them protection and services.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State’s *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

### **Anti-Semitism**

The Jewish population was small, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law does not expressly prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities, but the constitution provides for the protection of all citizens from any type of discrimination. The law does not provide for accessibility accommodations for persons with disabilities, and most

public and private buildings and transportation were not accessible to them. Certain businesses and government departments had designated clerks to attend to the elderly and persons with disabilities. There were no policies to encourage hiring of persons with disabilities in the public or private sectors.

Mental health provisions and protections generally were poor. Informal government-organized committees for persons with disabilities were tasked with public education and advocating for protections against discrimination. The Ministry of Education, Culture, Youth, and Sports maintained an educational unit offering limited special education programs within the regular school system. There were two schools and four special education centers for children with disabilities. Children with disabilities attended mainstream schools through secondary education at a significantly lower rate than other children and were placed with nondisabled peers.

The special envoy for women and children continued advocacy campaigns on behalf of persons with disabilities, especially children, and supported efforts to promote schools that took steps to create inclusive environments for persons with disabilities.

### **Indigenous People**

No separate legal system or laws cover indigenous persons as the government maintains that it treats all citizens the same. Employers, public and private, generally treated indigenous persons equally with other ethnic groups for employment and other purposes.

The Maya Leaders' Alliance, composed of the Toledo Maya Council, Q'uche Council of Belize, Toledo Alcaldes Association, Julian Cho Society, and Tumul K'in Center of Learning, monitored development in the Toledo District with the goal of protecting Mayan land and culture. While the government noted the need to respect and consult the Mayan communities when issuing oil exploration licenses in the south, the alliance believed it was not consulted before decisions were made. The Maya in the southern part of the country continued to raise concerns regarding the manner in which a Caribbean Court of Justice order regarding indigenous land was being implemented by the government. The government noted that both a work plan for implementation of the court order and a dispute resolution mechanism were completed with consultation with the Maya communities. The Maya Leaders' Association, however, accused the government of "unencumbered by coercion and intimidation" and of failing to consult with the

proper representatives of the indigenous community before taking action regarding indigenous lands.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law does not prohibit discrimination against LGBTI persons in housing, employment, nationality laws, or access to government services such as health care, but the constitution provides for the protection of all citizens from any type of discrimination.

In 2016 the Supreme Court struck down the interpretation of Section 53 of the criminal code, which criminalized sexual acts “against the order of nature.” The government partially appealed the ruling in September 2017, conceding the decriminalization of homosexuality but questioning a section of the decision that made “sexual orientation” a protected class. The Roman Catholic Church appealed the entire ruling in September 2017 but withdrew its appeal in March, leaving the government as the sole appellant. The Court of Appeals commenced proceedings to consider the grounds for the appeal in November.

The Immigration Act prohibits “homosexual” persons from entering the country, but immigration authorities did not enforce the law.

The extent of discrimination based on sexual orientation or gender identity was difficult to ascertain due to a lack of official reporting. The NGO United Belize Advocacy Movement (UniBAM) registered four homicides, one attempted homicide, one robbery, and 17 cases of harassment and physical assault on young persons based on sexual orientation and gender identity from January to September. Based on a survey, UniBAM recorded that LGBTI persons between the ages of 14 to 24 faced the most violence in rural communities, especially in very religious parts of the country. UniBAM’s executive director, Caleb Orozco, noted that in these religious communities, police often refused to take reports from survivors.

According to UniBAM, LGBTI persons were also denied medical services and education and encountered family-based violence.

### **HIV and AIDS Social Stigma**

There was some societal discrimination against persons with HIV/AIDS, and the government worked to combat it through public education efforts of the National AIDS Commission under the Ministry of Human Development.

The law provides for protection of workers against unfair dismissal, including for HIV status. The government provided free antiretroviral medication and other medical services to persons with HIV registered in the public health system; however, the government sometimes had insufficient supplies of medication.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law, including related regulations and statutes, generally provides for the right to establish and join independent trade unions, bargain collectively, and conduct legal strikes. The Ministry of Labor, Local Government, and Rural Development (Ministry of Labor) recognizes unions and employers associations after they are registered, and the law establishes procedures for the registration and status of trade unions and employers organizations and for collective bargaining. The law also prohibits antiunion discrimination, dissolution, or suspension of unions by administrative authority. It requires reinstatement of workers fired for union activity.

The law allows authorities to refer disputes involving public- and private-sector employees who provide “essential services” to compulsory arbitration, prohibit strikes, and terminate actions. The national fire service, postal service, monetary and financial services, civil aviation and airport security services, port authority personnel (stevedores and pilots), and security services are deemed essential services beyond the International Labor Organization definition of essential services. There were no reports of antiunion discrimination, but there were some reports workers were intimidated into either not joining a union or dropping union membership if they had joined.

Workers can file complaints with the Ministry of Labor or seek redress from the courts, although it remained difficult to prove that terminations were due to union activity. The ministry’s Labor Department generally handled labor cases without lengthy delays and dealt with appeals via arbitration outside of the court system. The court did not apply the law requiring reinstatement of workers fired for union activity and provided monetary compensation instead. A complaint was filed at the Office of the Ombudsman against the Ministry of Education and the Catholic

School Management by a female teacher who claimed that both authorities were refusing to accept her retirement and award her pension and gratuity based on medical grounds. The matter was under investigation.

The Labor Department was hampered by factors such as a shortage of vehicles and fuel in its efforts to monitor compliance, particularly in rural areas. There were complaints of administrative or judicial delays relating to labor complaints and disputes. Information on penalties for violations of freedom of association or collective bargaining was unavailable.

The government and employers did not always effectively enforce the law. Antiunion discrimination and other forms of employer interference in union functions sometimes occurred, and on several occasions unions threatened or carried out strikes. At least one NGO continued to petition the Inter-American Commission on Human Rights to highlight, among other things, concerns with employers' measures that do not allow migrant workers to unionize and that require migrants to submit to HIV tests in certain industries. The NGO asserted that in certain industries, particularly banana, citrus, and construction, employers often did not respect due process, did not pay minimum wages, and classified workers as contract and nonpermanent employees to avoid providing certain benefits. An NGO noted that both national and migrant workers were denied rights.

#### **b. Prohibition of Forced or Compulsory Labor**

The constitution prohibits all forms of forced or compulsory labor. Penalties for forced or compulsory labor are covered under the antitrafficking law and carry prison sentences of one to eight years for adult victims and one to 12 years for child victims, which were comparable to penalties for other major offenses and sufficient to deter violations, although the government did not enforce the law. Resources and inspections to deter violations were limited. The government reportedly investigated three forced labor cases; it did not identify any forced labor victims during the year.

Forced labor of both Belizean and foreign women occurred in bars, nightclubs, and domestic service. Migrant men, women, and children were at risk for forced labor in agriculture, fishing, and in the service sector, including restaurants and shops, particularly among the South Asian and Chinese communities.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law sets the minimum age for employment at 14 years old generally, with the exception of work in wholesale or retail trade or business, for which the minimum age is 12. "Light work," which is not defined in the law, is allowed for children ages 12 to 13. Children ages 14-18 may be employed only in an occupation that a labor officer determines is "not injurious to the moral or physical development of nonadults." Children older than age 14 are explicitly permitted to work in "industrial undertakings," which include mining, manufacturing, and construction. Children younger than age 16 are excluded from work in factories, and those younger than age 18 are excluded from working at night or in certain kinds of employment deemed dangerous. The Labor Department used a list of dangerous occupations for young workers as guidance, but the list was not adopted as law.

The law permits children to work on family farms and in family-run businesses. National legislation does not address a situation in which child labor is contracted between a parent and the employer. The National Child Labor Policy distinguishes between children engaged in work that is beneficial to their development and those engaged in the worst forms of child labor. The policy identifies children involved in the worst forms of child labor as those engaged in hazardous work, human trafficking and child slavery, commercial sexual activities, and illicit activities.

The Labor Department has primary responsibility for implementing labor policies and enforcing labor laws, but it was not effective in investigating complaints. Inspectors from the Labor and Education Departments are responsible for enforcing these regulations, with the bulk of the enforcement falling to truancy officers. The penalty for employing a child younger than the minimum age is a fine not exceeding 20 Belize dollars (\$10) or imprisonment not exceeding two months. On a second offense, the law stipulates a fine not exceeding 50 Belize dollars (\$25) or imprisonment not exceeding four months. Information was inadequate to determine if the penalties, remediation, and inspections were sufficient to deter violations. Child labor laws were not well enforced. There is also a National Child Labor Committee under the National Committee for Families and Children, a statutory interagency group that advocates for policies and legislation to protect children and eliminate child labor.

Some children were vulnerable to forced labor, particularly in the agricultural and service sectors. Commercial sexual exploitation of children occurred (see section 6, Children). According to the most recent data available from the Statistical Institute of Belize from 2013, the country's child labor rate was 3.2 percent, with half of those children involved in hazardous work. The problem was most prevalent in rural areas. Boys accounted for 74 percent of children illegally employed, mostly engaged in hazardous activities.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The law and regulations prohibit discrimination on the basis of race, sex, gender, language, HIV-positive status or other communicable diseases, or social status. The government did not effectively enforce those laws and regulations. The law does not explicitly prohibit discrimination in employment with respect to disability, sexual orientation, or gender identity. There were reports that discrimination in employment and occupation occurred with respect to sexual orientation. One NGO reported that members of the LGBTI community often had problems gaining and retaining employment due to discrimination in the workplace. There were no officially reported cases of discrimination at work based on ethnicity, culture, or skin color; although anecdotal evidence suggested that such cases occurred.

#### **e. Acceptable Conditions of Work**

The national minimum wage was 3.30 Belize dollars (\$1.65) per hour. A full-time worker receiving the minimum wage earned between 1.5 to two times the poverty-limit income, depending on the district. The law sets the workweek at no more than six days or 45 hours and requires premium payment for overtime work. Workers are entitled to two workweeks' paid annual holiday. Additionally there are 13 days designated as public and bank holidays. Employees who work on public and bank holidays are entitled to pay at time-and-a-half, except for Good Friday and Christmas, which are paid at twice the normal rate.

Several different health and safety regulations cover numerous industries. The law, which applies to all sectors, prescribes that the employer must take "reasonable care" for the safety of employees in the course of their employment. The law further states that every employer who provides or arranges

accommodation for workers to reside at or in the vicinity of a place of employment shall provide and maintain sufficient and hygienic housing accommodations, a sufficient supply of wholesome water, and sufficient and proper sanitary arrangements.

The Ministry of Labor did not always effectively enforce minimum wage and health and safety regulations. The Labor Department had 25 labor officers in 10 offices throughout the country. Inspections were not sufficient to secure compliance, especially in the more remote areas. Fines varied according to the infraction but generally were not very high and thus not sufficient to deter violations. Several cases were pending. In 2017 a labor tribunal was established, but it was uncertain how many cases the tribunal had heard.

The minimum wage was generally respected. Nevertheless, anecdotal evidence from NGOs and employers suggested that undocumented Central American workers, particularly young service workers and agricultural laborers, were regularly paid below the minimum wage.

In January the Christian Workers Union (CWU) was able successfully to resolve a dispute between its members and the Social Security Board of Belize over salary adjustments. The board had refused to honor the accrued adjustment for the period 2015-18, but in the end it decided to award the 1.75-percent increase.

In September the CWU issued a notice of intended industrial action against the Port of Belize Limited after negotiations between the two reached an impasse over working hours. The CWU stated that the “refusal to engage on any other matter that remains on the agreed list is no less than extreme bad faith.” Two days before the union began industrial action, the CWU and the port authorities agreed to return to the negotiations in an effort to conclude the collective agreement between stevedores and the port. Negotiations continued as of November.

It was unclear whether workers could remove themselves from situations that endangered health or safety without jeopardy to their employment or whether authorities effectively protected employees in this situation.