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U.S. Department of State

Belize Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

BELIZE

Belize is a parliamentary democracy with a constitution enacted in 1981 upon independence from the United Kingdom. The Prime Minister, a cabinet of ministers, and a legislative assembly govern the country. The Governor General represents Queen Elizabeth II in the largely ceremonial role of head of state. Both local and national elections are scheduled on a constitutionally prescribed basis. The Constitution provides for an independent judiciary.

The Police Department has primary responsibility for law enforcement and maintenance of order. The Belize Defense Force (BDF) is responsible for external security, but when deemed appropriate by civilian authorities may be tasked to assist the police department. Both the police and the BDF report to the Minister of National Security and are responsible to and controlled by civilian authorities. There were occasional reports of abuse by the police.

The economy is primarily agricultural, although tourism has become the principal source of foreign exchange earnings. The agricultural sector is heavily dependent on preferential access to export markets for sugar and for bananas. The Government favors free enterprise and generally encourages investment, although domestic investors are given preferential treatment over foreign investors in a number of key economic sectors. Preliminary estimates put 1996 gross domestic product growth at 4.5 percent in real terms. Annual per capita income was about \$2,359.

The Constitution provides for, and citizens enjoy in practice, a wide range of fundamental rights and

freedoms. Principal human rights abuses include occasional use of excessive force by the police when making arrests, lengthy pretrial detention, political influence on the judiciary, discrimination and domestic violence against women, and employer mistreatment of immigrant workers in the banana industry.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution forbids torture or other inhuman punishment. There were several credible reports of mistreatment and abuse by the police. In at least two cases, police authorities took internal disciplinary measures against officers accused of abuse, although the authorities did not lodge criminal charges. The Police Department, the Police Complaints Board, and on occasion special independent commissions appointed by the Prime Minister investigate allegations of official abuse.

The Hattieville prison opened in 1993 and replaced the notoriously decrepit Belize City prison. Although designed to house 500 inmates, it actually held 960, or about 5 prisoners per 10-by-12-foot cell. There are rare reports of human rights abuses at the prison, in the form of physical brutality by prison wardens. The press also carried credible reports that prisoners were used as a labor force to build homes for family members of the minister with oversight responsibility for the prison.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest or detention, and the Government generally observes these prohibitions. The law requires the police to inform a detainee of the cause of detention within 48 hours of arrest and to bring the person before a court within 72 hours. In practice, the authorities normally inform detainees immediately of the charges against them. Bail is granted in all but the most serious cases. In cases involving narcotics, the police cannot grant bail, but a Magistrate's court may do so after a full hearing. Many detainees cannot afford bail, however, and backlogs in the judicial system often cause considerable delays and postponements of hearings, resulting in an overcrowded prison and prolonged incarceration before trial.

The Constitution forbids exile, and it does not occur.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice. The judiciary consists of the magistrate's courts, the Supreme Court, and the Court

of Appeal.

Notwithstanding constitutional provisions, the fact that prominent government leaders continue to practice law while in office brought the judiciary's independence into question. The Chief Justice of the Supreme Court publicly stated that judges should not interpret laws in such a way as to frustrate the intention of the legislature, saying that this practice is an abuse of the power of the courts. The appearance of judicial independence from the executive branch is also compromised because judges and the director of public prosecutions must negotiate renewal of their employment contracts with the Government and thus may be vulnerable to political interference.

An inordinate number of significant narcotics-related cases are taking years to resolve. In these cases, defendants are released on minimal bail payments, and the defense lawyers and their firms are closely connected to sitting ministers of government, including the Attorney General.

Persons accused of civil or criminal offenses have constitutional rights to presumption of innocence, protection against self-incrimination, defense by counsel, a public trial, and appeal. Trial by jury is mandatory in capital cases. The Supreme Court and magistrate courts suffer backlogs aggravated by the inability to maintain a full complement of judges.

Those convicted by either a magistrate's court or the Supreme Court may appeal to the Court of Appeal. In some cases, including those resulting in a capital sentence, the convicted party may make a final appeal to the Privy Council in the United Kingdom. The Privy Council has agreed to hear several such appeals in 1996; this delayed carrying out the capital sentences.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to legal sanctions. However, there were several cases in which the Government has expropriated private land. The law requires that the Government assess and pay compensation in these instances, but these cases take many years to settle.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, but also permits the authorities to make "reasonable provisions" in the interests of defense, public safety, public order, public morality, or public health. These provisions include forbidding any citizen to question the validity of the financial disclosure statements submitted by public officials. Anyone who questions these statements orally or in writing outside of a rigidly prescribed procedure is subject to a fine of up to \$5,000 or imprisonment of up to 3 years, or both.

A wide range of viewpoints is publicly presented without government interference in six privately owned weekly newspapers (there is no daily press), half of which are directly subsidized by major political parties. All newspapers are subject to the constraints of libel laws.

Since the first privately owned commercial radio station began broadcasting in 1990, other stations have been established, broadening the audience's choices. Popular radio call-in programs are lively and

feature open criticism of and comments on government and political matters. Through financial subsidies, the Government continues to exert substantial editorial influence over the nominally autonomous Broadcasting Corporation of Belize (BCB) and its two radio stations; BCB once held a monopoly on radio in the country. The Government utilizes BCB studios and facilities to produce partisan advertisements and party propaganda.

There are eight privately owned television broadcasting stations, including several cable networks in Belize City and the major towns. The Government's Belize Information Service and two independent television stations produce local news and feature programs. The Belize Broadcasting Authority (BBA) regulates broadcasting and asserts its right to preview certain broadcasts, such as those with political content, and to delete any defamatory or personally libelous material from political broadcasts. As far as is known, the BBA did not exercise this authority during 1996 although there appeared to be ample opportunity to do so during the aggressive and negative media campaigns each party waged during local elections held earlier in the year.

The Belize Press Association, formed in 1995 to seek common ground among the disparate members of the press, continued this effort in the face of strong internal partisan debate. One of the association's main goals is to obtain increased access to government information, utilizing the country's Freedom of Information Act. In September the Prime Minister challenged the media to exercise this right, noting that only one case had been filed in the 3 years since the law had been passed. Frustrating the media's attempts to use the Freedom of Information Act are statements by the Supreme Court warning journalists that questioning the integrity of the court or its members could result in criminal contempt of court charges.

The law provides for academic freedom, and the Government respects it in practice.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and the authorities honor it in practice. Political parties and other groups with political objectives freely hold rallies and mass meetings. The organizers of public meetings must obtain a permit 36 hours in advance of the meetings; such permits are not denied for political reasons and are routinely granted in practice.

The Constitution permits citizens to form and join associations of their choice, both political and nonpolitical.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government respects them in practice.

The Government generally cooperates with the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The UNHCR provides the majority of funding for refugee programs in the country, including the salaries of most of the employees in the Government's Department of Refugees. A government committee to review applications for asylum meets weekly and includes a UNHCR representative as a member. The Government turned down approximately 500 requests for asylum in 1996. The Government honors the principle of first

asylum, and most recently provided it to four persons in 1995.

In the wake of the civil conflicts in Central America during the 1980's, over 40,000 mostly Hispanic immigrants came to Belize, many of them entering illegally and living in the country without documentation. The Government has granted asylum and allowed local resettlement of about 8,000 refugees. Despite the signing of the Peace Treaty ending Guatemala's civil war, the Government does not plan to send Guatemalan refugees back until it deems the situation in that country to be conducive to such return.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Belize is a democracy governed by a Legislative Assembly, with executive direction from a cabinet of ministers headed by Prime Minister Manuel Esquivel. The law requires national elections at least every 5 years.

All elections are by secret ballot, and suffrage is universal for citizens 18 years and older. National political parties include the People's United Party (PUP), the United Democratic Party (UDP), the National Alliance for Belizean Rights (NABR), and the People's Democratic Party (PDP). The nation's ethnic diversity is reflected in each party's membership. The Government changed hands (for the third time since independence in 1981) in 1993 when a coalition of the UDP and the NABR won 16 of 29 seats in the House of Representatives.

No laws impede participation of women in politics; their scarcity in electoral politics can be attributed to tradition and socioeconomic factors. Women hold a number of appointive offices, including three of nine Senate seats. One member of the 29-seat House of Representatives is a woman, but women in elective office are the exception. None hold senior positions higher than membership on the executive committees of the political parties.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their activities. The Human Rights Commission of Belize (HCRB), a nongovernmental organization (NGO) affiliated with regional human rights organizations and partly funded by the UNHCR, operates free of government restriction on a wide range of issues, including refugee and agricultural workers' rights, cases of alleged police abuse, and cases of alleged illegal deportations of Central American nationals. The HCRB publicizes, and urges police and other government bodies to act upon complaints it receives. However, the HCRB appears to have been largely inactive in 1996, reportedly due to financial difficulties.

Local and international human rights groups operate freely, and the Government cooperates with independent investigations of human rights conditions. However, when native Belizean Maya organizations voiced concern over what they considered an environmentally questionable and socially disruptive highway improvement project in the Toledo district, the Government dismissed their arguments and reportedly accused the leaders of being foreign immigrants.

Section 5 Discrimination Based upon Race, Sex, Religion, Disability, Language, or Social Status

Belize is a multiracial, multiethnic country, and the Government actively promotes tolerance and cross-

cultural understanding. Discrimination on ethnic or religious grounds is illegal and not common, although ethnic tension, particularly resentment of recently arrived Central American and Asian immigrants, continued to be a problem. The Government continues to reserve certain professions for Belizean nationals, granting permits and licenses to non-Belizeans only in specific cases. These occupations include fishing, souvenir manufacturing, sightseeing tours, accounting, insurance, real estate, and legal services.

Women

Domestic violence against women is a chronic problem. Women Against Violence, an NGO with branches throughout the country, runs a shelter for battered women and a hot line for rape victims.

Despite constitutional provisions for equality, women face social and economic prejudices. For example, women find it more difficult than men to obtain business and agricultural financing and other resources. Most employed women are concentrated in female-dominated occupations with traditionally low status and wages. A women's bureau in the Ministry of Labor and Social Services is charged with develo