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## U.S. Department of State

### Belize Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

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#### 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 Government generally respects the constitutional provisions 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 1997 gross domestic product growth at 2.5 percent in real terms. Annual per capita income was about \$2,540.

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, poor prison conditions, lengthy pretrial detention, political influence on the judiciary, judicial limits on freedom of the press, 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. However, the police occasionally used excessive force when making arrests. In September an escapee from police custody was brutally beaten when apprehended by 2 police officers, 1 of whom struck the escapee 21 times with a baton. The incident took place in front of several witnesses, including a television news crew that broadcast the scene nationwide. The police department suspended the officer, and he is expected to face an internal disciplinary board at a later date. The Police Department, the Police Complaints Board, and on occasion special independent commissions appointed by the Prime Minister investigate allegations of abuse by officials. BDF representatives attended regional human rights conferences and noted that human rights have long been a part of their training curriculum.

Prison conditions are poor. Conditions at the Hattieville prison--the nation's only prison--have steadily deteriorated since it opened in 1993 to replace the notoriously decrepit Belize City prison. Although designed to house 500 inmates, it now houses 1,100 or about 6 prisoners per 10-by-12-foot cell. Inmates, especially those in the maximum security wing, are exposed to untreated sewage running in shallow ditches through the facility. The Hattieville prison includes a separate facility for women. There are no medical facilities and no health care providers resident at the prison. There is no separate facility for inmates with mental illnesses. Approximately 20 percent of the inmates are non-Belizeans. There are rare reports of human rights abuses at the prison, in the form of physical brutality by prison wardens. Incidents of gang and drug related violence in the prison are on the rise. There is no attempt at social rehabilitation, as indicated by a 75 percent recidivism rate.

The Government took a few steps to address these problems. In July the Government renovated an old military barracks and converted it into a new juvenile detention facility called the Youth Enhancement Academy, which will include a rehabilitation program and some efforts at job training. Previously, 13- to 15-year-old children were jailed with hardened criminals. The Government also created the new prison position of coordinator general, subsequently filled by the former BDF commandant, which reports directly to the Minister of National Security. In August the Ministry and the Inter-American Institute of Human Rights cosponsored a 2-day conference to discuss problems at 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 at times 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. However, notwithstanding constitutional provisions, the fact that prominent government leaders continue to practice law while in office brought the judiciary's independence into question. 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.

The judiciary consists of the magistrate's courts, the Supreme Court, and the Court of Appeal. 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.

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. Legal counsel for indigent defendants is provided by the State only for capital offenses. Trial by jury is mandatory in capital cases. The Supreme Court and magistrate's courts suffer backlogs aggravated by the inability to maintain a full complement of judges.

An inordinate number of significant narcotics-related cases are taking years to resolve. In these cases, defendants are often released on minimal bail payments. The nation's longest-running drug case, which took 5 years, finally concluded with a conviction. The defendants, however, were released on a substantial bond pending an appeal.

The judicial system came under public scrutiny because of several high-profile irregularities. In one instance, the Chief Justice of the Supreme Court overturned a lower court's sentence of four Colombians for narcotics trafficking, despite the fact that the case was not under the Supreme Court's jurisdiction. The Court of Appeal later overturned the Chief Justice's ruling. In another case, the Attorney General's office was deeply involved in the high-profile prosecution of an opposition political leader and questioned the impartiality of the jury when it acquitted the defendant.

There are lengthy trial backlogs in the judicial system. One factor commonly cited is the low pay offered to judges, resulting in a high turnover rate. Two of the five Supreme Court justices resigned from the court effective January 1998, and the Chief Justice retired.

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 such 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 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 usually without government interference in six privately owned weekly newspapers (there is no daily press), half of which are directly affiliated with major political parties. All newspapers are subject to the constraints of libel laws.

In a notable exception to freedom of the press, in February the Supreme Court issued an injunction barring the nation's print and electronic media from reproducing or commenting upon an article in the British press that attacked the Supreme Court for its position on capital punishment. The injunction stated that any reproduction of the article in the press would be considered contempt of court and could prejudice several capital punishment cases before the Supreme Court. The major newspapers and media outlets filed legal challenges against the injunction but were not able to persuade the Court to lift it.

The Supreme Court took a similar action in what was called the most significant prosecution since independence. A former deputy leader of the opposition who served as Attorney General under an earlier government was charged with committing fraud and embezzlement during his previous tenure as the head of the Social Security Department. The Supreme Court imposed a gag order on the media barring commentary and significant reporting during the 6-week trial, citing its potential impact on the jury.

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 1997 although there appeared to be ample opportunity to do so during the aggressive and negative media campaigns each party waged during the year.

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. In March the UNHCR downgraded its mission to a liaison office and ceased all funding for the Government's Refugee Department, which had previously relied upon UNHCR to pay all program costs, including department employees' salaries. The Government is searching for alternative sources of funding.

A government committee to review applications for asylum meets weekly and includes a UNHCR representative as a member. The Government turned down approximately 100 requests for asylum in 1997. 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. In a move criticized by the UNHCR, the Government reinterpreted its law to require refugees to live in Belize for 10 years before they can apply for citizenship, whereas nonrefugee residents must only live in the country for 5 years before applying.

### **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.

There are no laws impeding participation by indigenous people or minority groups in politics. There are Garifuna and Hispanic representatives at the national political level, but there are no Mayan representatives at that level.

#### **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 (HRCB), 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 HRCB publicizes, and urges police and other government bodies to act upon complaints it receives. After a p