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U.S. Department of State

Belize Country Report on Human Rights Practices for 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. The Government changed hands in August when Prime Minister Said Musa's People's United Party (PUP) won 26 of 29 seats in the House of Representatives in free and fair elections. 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 1998 gross domestic product growth at 3.5 to 4.5 percent in real terms. Annual per capita income was about \$2,690.

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, allegations of arbitrary arrest and detention, lengthy pretrial detention, political influence on the judiciary, judicial limits on freedom of the press, discrimination and violence against women, some abuse of children, 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 February a police officer with a history of violent behavior fired what he termed a warning shot that killed a Salvadoran man. The authorities brought manslaughter charges against the police officer, but he was immediately released on bail and awaits trial. In May a detainee accused police of torture and abuse in an effort to obtain a false confession (see Section 1.d.). The Police Department, the Police Complaints Board, and on occasion special independent commissions appointed by the Prime Minister investigate allegations of abuse by officials.

Prison conditions are poor. Conditions at the Hattieville Department of Corrections--the nation's only prison--have deteriorated steadily since it opened in 1993. Although designed to house 500 inmates, it now houses approximately 1,100 or about 6 prisoners per 10-by-12-foot cell. The majority of prison accommodations do not have showers or toilets. Instead, inmates are provided with 5-gallon buckets. One physician's assistant--a newly established position--provides medical services for inmates. The prison includes a separate facility for women; however, the administrative section of the prison is situated nearby and as a result, guards and male prisoners occasionally roam about this area. 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 increasing.

The Government took steps to curb recidivism and focus on rehabilitation. For example, the expanding Youth Enhancement Academy houses 2,130 youth between the ages of 13 and 25, who participate in rehabilitation and job training programs. However, some youthful offenders are still housed in the main prison with adult prisoners. A job training program at a citrus farm employs approximately 50 inmates. In addition, for the first time in the country's history, parole is available for inmates who partially serve their sentences, demonstrate good behavior, and abide by certain conditions.

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. However, although accusations of arbitrary arrest and detention are rare, there were serious allegations of such practices in May when police arrested and detained 30 individuals, 14 of whom were registered refugees. Police arrested these detainees during a search for suspects in a large-scale robbery on the Hummingbird highway outside Belmopan. The authorities held some beyond the 72-hour limit without access to legal assistance; they released others after the maximum holding period but immediately detained them again. The police did not charge the detainees with a crime and eventually released them. The police claimed to have picked up the 30 people as part of an ongoing investigation into previous crimes. One detainee accused police of torture and abuse in order to attempt to compel him to confess falsely. Later, the police arrested three men and charged them with the robbery.

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 to be formally charged 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, the appearance of judicial independence from the executive branch is also compromised because some non-Belizean 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 Government appointed two Belizean judges and promoted a current judge to Chief Justice. With these appointments, the Supreme Court was composed of four Belizean judges (with tenure to age 62) and one Caribbean judge on a renewable 2-year contract. The new Chief Justice had been named the day before the elections, and when the PUP came into power, it asked for his resignation. The judge refused, and the issue had not been resolved by year's end.

The judiciary consists of the magistrate's courts, the Supreme Court, the Court of Appeal, and a family court that determines cases of child abuse, domestic violence, and child support. 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.

Trials in cases that come before the family court generally are private. The convicted party in family court also may appeal to the Supreme Court. Defendants have the right to be present at their trial unless the other party fears for his or her safety. In such a case, the court grants interim provisions under which both parties are addressed individually during a 5-day period.

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. In addition, an inordinate number of significant narcotics-related cases are taking years to resolve. In these cases, defendants are often released on minimal bail payments. A foreign judge helped reduce a large backlog of civil cases.

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 previous Government expropriated private land, ostensibly for public use. The law requires that the Government pay compensation in such instances, but these cases take 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 seven privately owned weekly newspapers, four of which are directly affiliated with major political parties. There is no daily press. All newspapers are subject to the constraints of libel laws.

In a notable exception to freedom of the press, the Minister of Broadcasting threatened to discontinue the license of one radio station, claiming that it was in violation of the public morality provision of the Constitution. Media reports suggested that the threat was politically motivated, because the owner of the station was a member of the opposition party.

Since the first privately owned commercial radio station began broadcasting in 1990, other stations have been established, broadening the audience's choices. In addition to these local stations, there are two British military stations that broadcast news direct from London. Popular radio call-in programs are lively and feature open criticism of and comments on government and political matters.

In November the new PUP Government ceased operation of the government-financed Broadcasting Corporation of Belize (BCB) and its two radio stations. The previous government had utilized BCB studios and facilities to produce partisan advertisements and party propaganda. BCB once held a monopoly on radio in the country and provided news and weather reports in areas where no other radio signal was received. With BCB's closure, the Government sold its frequencies to two private radio stations, which should ensure continuity in broadcasts that cover the entire country.

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

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 1997 the UNHCR downgraded its mission to a liaison office (by December staffed with a single volunteer) and ceased all funding for the Government's Refugee Department, which had previously relied upon the UNHCR to pay all program costs, including salaries. As a result, the Government's refugee program was greatly reduced.

A government committee to review applications for asylum meets weekly and includes a UNHCR representative as a member. The Government turned down 31 requests for asylum in 1998. 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 adopted an unwritten policy requiring refugees to live in Belize for 10 years before they can apply for citizenship. By contrast, nonrefugee residents must only live in the country for 5 years before being eligible to apply.

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

Belize is a democracy governed by a National Assembly, with executive direction from a cabinet of ministers headed by Prime Minister Said Musa. 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, 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 fourth time since independence in 1981) in August when the PUP won 26 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. Only two members of the House of Representatives are women. However, women hold a number of appointive offices, including four of nine Senate seats. In addition, both the president of the Senate and the Speaker of the House are women.

There are no laws impeding participation by indigenous people or minority groups in politics. There are Garifuna, Maya, Creole, and Mestizo representatives at the national 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 human rights complaints and urges police and other government bodies to act upon them. The HRCB gained prominence through media reports about its workshops and seminars that educate citizens about human rights.

Local and international human rights groups operate freely, and the Government cooperates with independent investigations of human rights conditions.

Section 5 Discrimination Based on 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 rare, 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

Violence against women is a chronic problem. A shelter for battered women offers short-term housing, and a hotline provides information on options for women who are victims of violence. The Belize Organization for Women and Development, a private voluntary organization, advises women on their rights and provides counseling. Laws prohibit rape and sexual harassment, but few offenders are charged and convicted. There is no law specifically prohibiting spousal rape.

There were reports of trafficking in women for purposes of prostitution. One or more dance hall owners have recruited women from neighboring countries, promising them jobs as dancers, waitresses, or domestics. When they arrive in the country, usually illegally, the employer takes their passports, forces them to engage in prostitution and holds their wages. The police have investigated, but have not made any arrests, nor has the Government has not taken any other steps to deal with this problem.

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 Human Development, Women, and Youth is charged with developing programs to improve the status of women. A number of officially registered women's groups work closely with various government ministries in promoting social awareness programs. Women have access to education and are active in all spheres of national life, but relatively few are found in top managerial positions. While the law mandates that women receive equal pay for equal work, female wage earners often earn less than men in similar jobs. There are no legal impediments to women owning or managing land or other real property.

Children

Education is compulsory for children between the ages of 5 and 14. After children finish their primary education, they may enter a secondary school, the government-run apprenticeship program, or a vocational institution. However, these programs have room for only about one-half of the children finishing primary school; competition for spaces in secondary school is intense. Education is nominally free, but various school, book, and uniform fees put education out of reach for many poor children. There is a family services division in the Ministry of Human Development, Women, and Youth devoted primarily to children's issues. The division coordinates programs for children who are victims of domestic violence, advocates remedies in specific cases before the family court, conducts public education campaigns, and works with NGO's and the United Nations Children's Fund to promote children's welfare. There is also a national committee for families and children, which includes a representative from the Ministry of Human Development, Women, and Youth.

Incest, child molestation, and child abuse are believed to be widespread among some ethnic groups. The passage of the Families and Children Act in August allows the authorities to legally remove a child from an abusive home environment. This act also revised many previous laws that affected the rights of children. The act removes the limit placed on the amount of child support a parent must pay and also allows men to file for child support as well as women. It requires parents to maintain and support a child until he or she reaches the age of 18, compared with the previous law's removal of such support after age 16. The new act also accepts DNA testing as legal proof of paternity and maternity. It requires that all adoptions be reported to the human development department and that prospective parents be screened before they may adopt a child.

People With Disabilities

The law does not specifically provide for accessibility for disabled persons nor prohibit job discrimination against them. The Government's Disability Services Unit, as well as a number of NGO's such as the Belize Association of and for Persons with Disabilities and the Belize Center for the Visually Impaired, provide assistance to physically disabled persons. Disabled children have access to government special education facilities, although the requirements to enter these programs are strict.

Indigenous People

There are a number of indigenous people loosely grouped under the general term Maya. The Maya have sought official recognition of their communal claims to land, but the Government has been reluctant to single out one ethnic group for special consideration. The Maya reservations are not demarcated on official maps, and the Maya have filed suit to force the Government to accord recognition to their reservations.

The Maya have formed cultural councils and other groups to advance their interests, sometimes with the collaboration of NGO's concerned with environmental and indigenous issues.

One Mayan council sued the Government to rescind a logging concession on traditional Mayan lands granted to a foreign company. The council also sought and won greater involvement by the Mayan community in an internationally funded highway project in the southern part of the country, the location of many Mayan communities.

Section 6 Worker Rights

a. The Right of Association

By statute and in practice, workers are free to establish and join trade unions. Eleven independent unions, with approximately 11 percent of the labor force, represent a cross-section of white-collar, blue-collar, and professional workers, including most civil service employees. Several of these unions, however, are inactive. The Ministry of Industry, Commerce, Public Services, and Labor recognizes unions after they file with the registrar's office. The law empowers members to draft the by-laws and constitutions of their unions, and they are free to elect officers from among the membership at large. Unions that choose not to hold elections may act as representatives for their membership, but the national Trade Union Congress permits only unions that hold free and annual elections of officers to join its ranks. Both law and precedent effectively protect unions against dissolution or suspension by administrative authority.

The law permits unions to strike. In December the Government repealed a 1994 law that required unions representing essential government services to give 21 days' notice to the ministry concerned before they could strike. In practical terms, this law had prohibited strikes by employees in revenue-collecting departments.

Although no unions are officially affiliated with political parties, several are sympathetic to one or the other of the two main parties (the UDP and the PUP). Unions freely exercise the right to form federations and confederations and affiliate with international organizations.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining and unions freely practice it throughout the country. Employers and unions set wages in free negotiations, or, more commonly, employers simply establish them. The Labor Commissioner or his representative acts as a conciliator in deadlocked collective bargaining negotiations between labor and management, offering nonbinding counsel to both sides. Historically, the Commissioner's guidance has been voluntarily accepted. However, should either union or management choose not to accept the Commissioner's decision, both are entitled to a legal hearing of the case, provided that it is linked to some provision of civil or criminal law.

The Constitution prohibits antiunion discrimination both before and after a union is registered. Unions may freely organize, but the law does not require employers to recognize a union as a bargaining agent. For example, although the registered Banana Workers Union actively advocated worker rights, it was not recognized by the banana industry's growers association due to low membership. Some employers have been known to block union organization by terminating the employment of key union sympathizers, usually on grounds purportedly unrelated to union activities. Effective redress is extremely difficult in such situations. Technically, a worker may file a complaint with the Labor Department, but in practice it was virtually impossible to prove that a termination was due to union

activity.

The Labor Code applies in the country's two export processing zones (EPZ's). There are no unions in the EPZ's, however, reflecting the general weakness of organized labor in the country.

c. Prohibition of Forced or Compulsory Labor

The Constitution and laws forbid forced, compulsory, or bonded labor, and it is not generally known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment

Laws prohibit forced and bonded labor by children, and the Government effectively enforces this prohibition. The minimum age for employment is 14 years, or 17 years for employment near hazardous machinery. Inspectors from the Departments of Labor and Education enforce this regulation, although in recent years school truancy officers, who have historically borne the brunt of the enforcement burden, have been less active. The law requires children between the ages of 5 and 14 to attend school, but there are many truants and dropouts.

e. Acceptable Conditions of Work

The minimum wage is \$1.12 (BZ\$2.25), except in export industries where it is \$1.00 (BZ\$2.00) per hour. For domestic workers and shop assistants in stores where liquor is not consumed, the rate is \$0.87 (BZ\$1.75) per hour. The minimum wage law does not cover workers paid on a piecework basis. The Ministry of Industry, Commerce, Public Services, and Labor is charged with enforcing the legal minimum wage, which is generally respected in practice. The minimum wage as a sole source of income does not provide a decent standard of living for a worker and family. Most salaried workers receive more than the minimum wage.

The law sets the normal workweek at no more than 6 days or 45 hours. It requires payment for overtime work, 13 public holidays, an annual vacation of 2 weeks, and sick leave for up to 16 days. An employee is eligible for severance pay provided that he or she was continuously employed for at least 5 years. A patchwork of health and safety regulations covers numerous industries, and the Ministry of Labor and the Ministry of Industry, Commerce, Public Services, and Labor enforce these regulations to varying degrees. Enforcement is not universal, and the ministries commit their limited inspection and investigative resources principally to urban and more accessible rural areas where labor, health, and safety complaints have been registered. Workers have the legal right to remove themselves from a dangerous workplace situation without jeopardy to continued employment.

The exploitation of undocumented Hispanic workers, particularly young service workers and possibly some agricultural workers, continued to be an issue for the Government, the HRCB, and other concerned citizens. Banana farm owners are slowly moving the housing they provide for their workers away from the fields where poisonous pesticides are sprayed. Health clinics in the region report that the most frequently treated ailments are pesticide-related skin conditions. Company-provided housing often lacks electricity and water.

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