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## Belize

### Country Reports on Human Rights Practices - [2005](#)

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Belize is a constitutional parliamentary democracy with an estimated population of 282,600. Prime Minister Said Musa's People's United Party held 22 of the 31 seats in the House of Representatives following generally free and fair multiparty elections in 2003. Although the civilian authorities generally maintained effective control, some members of the security forces committed human rights abuses.

Whereas the government generally respected the human rights of its citizens, there were problems in some areas. The following human rights problems were reported:

- extrajudicial killings by security forces
- brutality and excessive use of force by members of the security forces
- arbitrary arrest and detention and lengthy pretrial detention
- violence and discrimination against women
- sexual abuse of children
- trafficking in persons
- child labor

#### RESPECT FOR HUMAN RIGHTS

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

###### a. Arbitrary or Unlawful Deprivation of Life

Although the government and its agents did not commit any politically motivated killings, members of the security forces were accused and convicted of unlawful or unwarranted killings.

On August 16, police constable Randy Sanchez shot and killed Andrew Wallace, a 13-year-old youth. Police claimed that the youth was armed and that therefore the shooting was justified. At year's end Sanchez was on administrative leave while the Office of the Director of Public Prosecutions (DPP) investigated the case.

The trial in the case of police constable Burton Caliz, charged with manslaughter in the February 2004 killing of Leroy Pilgrim in San Pedro, was adjourned until 2006.

On November 24, police constable Sheldon Arzu was convicted of manslaughter and sentenced in December to 13 years' imprisonment for the 2003 shooting death of Reuben "Pony" Alarcon on Caye Caulker.

On July 20, authorities convicted police corporal Sherwood Wade of manslaughter by negligence for the killing of Darnell McDonald while off-duty in 2003 and ordered him to pay a fine of \$2 thousand (\$4 thousand BLZ). This was the second trial of this case; the first trial ended in a hung jury. An appeal of the sentence by the DPP on the basis that it was unduly lenient was pending at year's end.

On May 18, the Supreme Court convicted Belize Defense Force (BDF) private Giovanni Gutierrez of manslaughter and police constable Dennis Palacio of abetment of manslaughter in the 2002 killing of Aaron Mariano. Both were sentenced to 10 years in prison. Gutierrez and Palacio filed appeals pending at year's end.

###### b. Disappearance

There were no reports of politically motivated disappearances.

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

While the constitution prohibits torture or other inhuman punishment, there were numerous reports that police and prison staff used excessive force.

Common complaints received by the Office of the Ombudsman alleged misconduct and abuse by police and Department of Corrections personnel. Several cases of alleged abuse featured in the press were never reported to the Office of the Ombudsman or to the Office of Internal Affairs and Discipline for investigation. In a number of cases, the government ignored reports of abuses, withheld action until the case had faded from the public's attention, and then failed to take punitive action or transferred accused officers to other districts. The government took action on 74 of 81 complaints registered with the Office of Internal Affairs and Discipline. The ombudsman's office received 109 general complaints of police abuse and resolved 101 cases. The ombudsman determined that police use of force was appropriate in the majority of cases investigated, even if the level of force used was sometimes excessive.

At year's end the Office of Internal Affairs was investigating the claim by John and Frans Faux that Dangriga police tortured them in July by means of electric shock and beating.

A Supreme Court hearing was scheduled for 2006 in the case of police constable Julio Shal charged in March 2004 with attempted killing, deadly means of harm, and possession of a firearm while under the influence of alcohol, resulting in the shooting injury of Pedro Guzman.

During the year authorities dropped the charges of dangerous harm brought against police constable Clayton Marin in connection with the 2004 beating of Emile Pinelo. Charges of dangerous harm brought against former police constable Cyril Wade in connection with the same beating were maintained, with a civilian trial date to be set for Wade in 2006.

On January 5, authorities acquitted police superintendent Ewart Itza of all charges stemming from a 2003 brutality investigation. Prosecutors appealed his case to the Supreme Court, and the appeal was pending at year's end.

#### Prison and Detention Center Conditions

Prison conditions were poor, but improved in relation to previous years, in part due to the efforts of nongovernmental organizations (NGOs) and a private foundation. The country's only prison, in Hattiesville, which was designed for 1,200 inmates, held approximately 1,300 adult male inmates, 28 female inmates, and 54 youth male inmates. Whereas the prison budget provided \$6 (\$12 BLZ) per prisoner per day to cover all operating costs, a local nonprofit organization, the Kolbe Foundation, which administered Hattiesville Central Prison under a Ministry of Home Affairs contract, reported that actual costs were \$7.50 (\$15 BLZ) per inmate per day. In the remands section of the prison, 301 detainees shared 40 15- by 20-foot cells that were designed to hold 150 persons.

During the year the Kolbe Foundation's efforts focused on rehabilitation, resulting in improvements in the prison system in the following areas: enhanced work-release opportunities; jobs skills training, including the establishment of a wood furniture and crafts workshop and a financial savings program for prisoners; and enhanced internal security that included supervised prisoners' access to cell phones for prisoners to report alleged abuses by guards. The government's Women's Department provided counseling and educational services for female inmates. By year's end the prison's youth facility had retained four full-time teachers and one full-time counselor.

During the year there were reports that prison authorities brutalized troublesome prisoners, including placing inmates in a small, unlit, and unventilated punishment cell called "supermax." Inmates claimed that prison officials sometimes withheld food and water as further punishment, conducted strip searches and beatings, and extorted money for transfers to better conditions.

The Kolbe Foundation investigated reports of abuse or excessive force by prison officials. On May 9, the Kolbe Foundation, by means of an internal tribunal, dismissed three senior prison officers, including the chief of security, for alleged brutality and bribery. Matters of inmate-on-inmate abuse were directly turned over to police. Prisoners convicted or accused of certain serious crimes such as child molestation often were held in the remands section of the Hattiesville prison for their protection.

The prison included a separate facility for women, located 200 yards outside the main compound. Conditions in the women's facility were significantly better than those in the men's compound. The government does not incarcerate female juveniles charged or convicted of crimes, but rather places them in the care of the government social services authorities. During the year there were no female juveniles in the custody of the social services authorities. Juvenile male prisoners lived in a separate, newly built facility outside the main perimeter fence.

First-time offenders were put in the same building as those who committed capital crimes.

The government permitted prison visits by independent human rights observers, and such visits took place during the year.

#### d. Arbitrary Arrest or Detention

Although the constitution and legislation prohibit arbitrary arrest and detention, and the government generally observed these prohibitions, there were accusations of arbitrary arrest and detention.

#### Role of the Police and Security Apparatus

Internal security was maintained by national and local police under the Office of the Commissioner of Police. The Ministry of Home Affairs supervised the Department of Police and the Department of Immigration and Customs, which also had national security responsibilities. The

BDF, under the Ministry of Defense, handled external security and also had some domestic security responsibilities and supplied approximately 72 soldiers daily to the Office of the Commissioner of Police. The 1,014-member national police force had a hierarchical structure and generally responded to complaints. A lack of government resources, including low pay for officers as well as corruption, remained problems. During the year there were no reported cases of high-level or systemic impunity of security authorities.

The Police Department's Internal Affairs and Discipline (IAD) section, the DPP, and the Office of the Ombudsman investigated allegations of police abuses. On May 18, the government re-instituted a police complaints board comprised of the ombudsman, the Ministry of Home Affairs, and the Office of the Commissioner of Police. The IAD handled 184 complaints, including 81 for alleged brutality, against the police resulting in the dismissal or disciplining of 74 officers. During the year there was a 33 percent decrease in complaints and an increase in disciplinary action against police authorities alleged to have committed abuses.

#### Arrest and Detention

Police were required to obtain search or arrest warrants issued by a magistrate, except in cases of hot pursuit, when there was probable cause, or when the presence of a firearm was suspected. Customs officers could search a premise with a writ of assistance issued by the Office of the Comptroller of Customs. The law requires police to formally (in writing) inform a detainee of the cause of detention within 48 hours of arrest and to bring the person before a magistrate to be charged within a reasonable time (normally 24 hours). In practice arresting police informed detainees immediately of the charges against them.

Police were required to follow "The Judges' Rules," a code of conduct governing police interaction with arrested persons. Although cases were sometimes dismissed when the Judges' Rules were violated, more commonly a confession obtained through violation of these rules was deemed invalid. Detainees usually were granted timely access to family members and lawyers, although there were occasional complaints that inmates were denied access or a phone call after arrest. Bail was available for all cases except killing and generally was granted. In cases involving narcotics, the law does not permit police to grant bail, but a magistrate's court may do so after a full hearing.

Detainees sometimes could not afford bail; backlogs in the docket often caused considerable delays and postponement of hearings, resulting in an overcrowded prison and at times prolonged pretrial detention. By year's end approximately 23 percent of the prison population was in pretrial detention (see sections 1.c. and 1.e.).

On January 20, police in the town of Hattieville detained Belize Energy Workers Union President Mark Butler reportedly for having harmful tools in his vehicle while transporting other union members to a demonstration. The union leader and members later were released on the same day only when opposition leader Dean Barrow phoned the police commissioner, who ordered their release from the police station.

There were no reports of political detainees.

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected this provision in practice. The constitution is the supreme law of the land and persons have the right to bring legal actions for alleged violations of rights protected under the constitution, regardless of whether there is also implementing legislation.

Judges hold appointments until a mandatory retirement age of 65. There were 5 Supreme Court justices and 17 magistrates. Only three magistrates had a legal background. Most judges were members of the civil service and routinely were transferred between judicial and administrative postings. The government appoints the DPP for life. The DPP reported no attempted political interference with his job.

The judiciary consists of the *alcalde* courts, which have jurisdiction over small civil claims and minor criminal infractions, the magistrate's courts, the Supreme Court, the Court of Appeals, and a family court that handles cases of child abuse, domestic violence, and child support. The family court is at the same level as the magistrate's courts. Family court trials generally were private. The defendants in family court may appeal to the Supreme Court. Those convicted by either a magistrate's court or the Supreme Court may appeal to the Court of Appeals. In exceptional cases, including those resulting in a capital sentence, the convicted party may make a final appeal to the Privy Council in the United Kingdom. Trial by jury is mandatory in capital cases.

Under the law persons accused of civil or criminal offenses have the following rights: presumption of innocence, protection against self-incrimination, defense by counsel only in capital cases, a public trial, and appeal. Defendants have the right to be present at their trial unless the court determines that the opposing party has a substantiated fear for safety, and in cases, the court can grant interim provisions that both parties be addressed individually during a five-day period.

The government provided legal counsel for indigent defendants only in cases involving capital crimes. Most defendants could not afford an attorney, and there was a higher rate of conviction of defendants without legal representation. From January through June, the only staff attorney of the Legal Aid Center handled approximately 260 cases, but many defendants remained unrepresented. A severe lack of trained personnel constrained the judicial system, and very junior counsels or police officers often acted as prosecutors in the magistrate's courts.

Lengthy trial backlogs continued in the judicial system. Routine cases without a defense attorney were decided within one month, but cases involving a serious crime or in which a defense attorney was present took more than one year. Citing uncooperative witnesses and a lack of evidence, the DPP dismissed a large number of cases. Despite an increase in serious crimes, poor case management, lack of attorney

discipline, and the prolongation of several cases for years, the backlog of cases decreased, largely because many cases were dismissed.

#### Political Prisoners

There were no reports of political prisoners.

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

The constitution prohibits such practices, and government authorities generally respected these prohibitions in practice.

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

##### a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. The constitution, however, permits authorities to forbid any citizen to question the validity of 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 \$2,500 (\$5 thousand BLZ), imprisonment of up to 3 years, or both. There were no reports that this prohibition was used during the year.

The independent media presented a range of viewpoints without restriction. The international media operated freely. All newspapers were subject to libel laws which, unlike in previous years, were enforced during the year.

On June 12, pursuant to a suit brought in 2003 by the prime minister, the Libel Court ordered *The Guardian* newspaper, affiliated with the Opposition United Democratic Party, to issue a public apology for writing in 2003 that Prime Minister Said Musa was corrupt, acted out of political spite, and had close links to organized crime mafia.

The Belize Broadcasting Authority regulated broadcasting and had the right to preview certain broadcasts, such as those with political content, and to delete any defamatory or libelous material from political broadcasts. This right was not exercised during the year.

There were no government restrictions on the Internet or on academic freedom.

##### b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice. By law organizers of public meetings of more than 5 persons must obtain a permit 36 hours in advance of the meeting. There were no reports that permits were denied for political reasons.

##### c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice.

#### Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish population constituted less than 10 persons.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#)

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

The constitution provides for these rights, and the government generally respected them in practice.

The constitution prohibits forced internal or external exile of citizens, and there were no reports that the government used it.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the government had not established a system for providing protection to refugees. Since 1999 the government had not accepted asylum applications, and there was no legislation that formalized the asylum process. Until the government closed its Refugee Department in 1999, the UN High Commissioner for Refugees (UNHCR) relied upon a local NGO to monitor the status of asylum seekers and to represent its interests. The government had no procedure in place to accept or resettle refugees. On March 21, seven Cuban refugees landed on the Turneffe Atoll en route to Honduras. At year's end immigration and police authorities had no knowledge of the whereabouts of these persons.

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

The constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held by secret ballot and on the basis of universal suffrage for all citizens age 18 and older.

#### Elections and Political Participation

In 2003 the PUP won reelection in generally free and fair elections.

There were 2 women in the 29-seat House of Representatives, 1 of whom was appointed to serve as Speaker of the House, and 3 women in the 12-member appointed Senate. There was 1 woman in the cabinet, and 5 women were chief executive officers of ministries. Among the country's ethnic groups, Mestizo, Creole, Maya, Garifuna, and other minority and immigrant groups were represented in the National Assembly and at the highest levels of government.

#### Government Corruption and Transparency

Evidence of government corruption was revealed during the year. The media continued to report inappropriate investments in 2004 by the Social Security Board and Development Finance Corporation, whereby the government allegedly authorized the use of millions of dollars in public domestic and international loan funds to assist the business interests of certain citizens. A Senate special investigation begun in 2004 continued until December 30 when a confidential report was submitted to the House of Representatives. Government sources indicated that the report was released without pending criminal charges or suggested criminal action against any party.

Mark Espat and Cordell Hyde, members of both the ruling party and members of parliament, continued to speak out against decisions made by the prime minister and ruling government regarding the budget and Belize Telecommunications Limited (BTL). On November 4, Hyde and Espat returned to the cabinet as ministers with portfolio, and both publicly stated their intention to be agents for change from within the government and their party.

Public surveys and Transparency International indicated that perceptions of corruption increased compared to the previous year. In March the Supreme Court investigated the government's sale or obligation of public utilities to foreign investors. The Court of Appeals continued to review a lawsuit brought during the year regarding the 2004 privatization and ownership of BTL.

The law provides for public access to documents of a ministry or prescribed authority upon written request, although it protects a number of categories, such as documents from the courts or those related to national security, defense, or foreign relations. The government must supply to the ombudsman a written reason for any denial of access, the name of the person making the decision, and information on the right to appeal. At year's end the ombudsman's office reported that it had not received any such appeals during the year.

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

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials usually were cooperative and responsive to their views.

The Human Rights Commission of Belize, an NGO affiliated with regional human rights organizations that had received start up funding from the UNHCR, closed during the year due to lack of adequate financial resources.

The independent ombudsman is appointed by the government to act as an independent check on governmental abuses. In his fifth annual report, the ombudsman reported receiving 342 formal complaints (mostly against government agencies), including: 109 against the Police Department, 28 regarding the Lands Department, 21 against Magistrates Court, 12 against the family court, 11 against the Department of Corrections, and 9 against the Belize City Council. The ombudsman investigated the majority of these cases. The ombudsman was allocated limited resources to conduct investigations. During the year opposition members in parliament continued to debate whether the ombudsman position should be dissolved, based on their platform to reduce the number of contracted positions in the government.

### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government effectively enforced these prohibitions.

#### Women

The law prohibits domestic violence and contains penalties, including imprisonment for violations, depending on the crime. During the year the law was enforced. The law empowers the family court to issue protection orders against accused offenders. Domestic violence against women remained a problem. The Family Violence Unit of the police recorded 1,191 instances of domestic violence against women during the year, of which 57 percent occurred in Belize City. There was one shelter for battered women, containing nine beds and offered short-term housing. The NGO Belize Organization for Women and Development advised women on their rights and provided counseling.

The law prohibits rape, including spousal rape. The government did not effectively enforce the law, which carries penalties of fines up to

\$500 (\$1 thousand BLZ) or 1 year imprisonment, and several prominent brothels continued to operate openly. The police and courts treated rape more seriously than in previous years. In a number of instances, the DPP dropped the charges if the accusing party did not testify at trial. Arrests and convictions for rape received widespread press coverage. The police and courts enforced statutory rape laws; however, in relation to the number of accusations, convictions were infrequent. The law does not explicitly address adult prostitution; therefore the government does not use law enforcement resources to combat prostitution. Related activities, such as loitering for the purposes of prostitution, operating a brothel, and sexual solicitation are all illegal.

The law prohibits sexual harassment, which is punishable by a fine of up to \$250 (\$500 BLZ) or imprisonment for up to 3 months. No sexual harassment cases were brought during the year.

Despite legal provisions for gender equality, the media continued to report that women faced social and economic discrimination. On July 25, the BDF ended the practice of dismissing or disciplining female soldiers who became pregnant within their first two years of service. There were no legal impediments to women owning or managing land or other real property. Women were active in all spheres of national life but held relatively few top managerial positions. Although the law mandates equal pay for equal work, women tended to earn less than men. The median monthly income for a working woman was \$353 (\$706 BLZ), compared with \$374 (\$748 BLZ) for a man.

The Women's Department under the Ministry of Human Development, Women and Children, and Civil Society is responsible for developing programs to improve the status of women. A number of officially registered women's groups also worked closely with various government ministries to promote social awareness programs.

## Children

The government was committed to children's rights and welfare.

Education is compulsory for children between the ages of 5 and 15. After finishing primary education, children may enter a secondary school, a government-run apprenticeship program, or a vocational institution. These programs, however, had spaces for only half of the children completing primary school. Education was nominally free, but school, book, and uniform fees placed education out of reach for many poor children. According to a 2003 International Labor Organization (ILO) survey, approximately 71 percent of school-age children were enrolled in school. The enrollment rate was 96 percent at the elementary level and less than 60 percent at the secondary level. The majority of students reached fifth grade. Schools expelled pregnant students, who then had to wait a year before applying for readmission.

Several government-run clinics provided health care to children, with boys and girls having equal access to such care.

Child abuse was not considered to be widespread or a societal problem. However, in the Toledo area reportedly had high incidents of child labor and of sexual abuse of children occurred (see section 6.d.). The Family Violence Unit recorded 171 cases of domestic violence against children. Sexual abuse of minors, including incest, was a problem. The Family Violence Unit recorded 138 cases of sexual abuse against minors. 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. In August the government adopted a new law increasing the legally recognized minimum age for marriage with parental consent from 14 to 16 years of age. Many parents sold their daughters as child brides to men, often a friend of the family (see section 5, Trafficking).

On April 24, authorities arrested the parents of an 11-year-old female rape victim and a 13-year-old female rape victim for allegedly kidnapping the suspected male rapists. The father of one of the rape victims spent 2 days in police custody and 20 days in jail. On August 4, authorities charged the 2 girls with kidnapping, denied bail, and remanded them for 8 days to a youth hostel. On August 11, the DPP office withdrew kidnapping charges against the 11 year-old and substituted charges of abetment to kidnapping, but retained the charge of kidnapping against the 13-year-old.

Child labor was a problem (see section 6.d.).

The Family Services Division in the Ministry of Human Development, Women and Children, and Civil Society was the government office devoted to children's issues. 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 trafficking in children (see section 5, Trafficking), and worked with NGOs and UN Children's Fund to promote children's welfare.

## Trafficking in Persons

The law prohibits trafficking in persons, which is punishable by fines of up to \$5 thousand (\$10 thousand BLZ) and imprisonment of up to 5 years for trafficking and 8 years for rape. There were reports that persons were trafficked within and to the country, mainly from neighboring countries. The Trafficking in Persons Committee, under the Ministry of Home Affairs, is the official government agency responsible for combating trafficking.

During the year the government's efforts to identify trafficking victims were weakened by inadequate investigation and inspection by authorities. There were no reliable estimates of the extent of trafficking. There were reports that women were trafficked to the country from neighboring countries primarily for prostitution and nude dancing. Victims generally lived in squalid conditions in the bars where they worked. Some bar owners reportedly confiscated victims' passports. Agents of the bars and brothels lured women and girls to the country, and they or taxi drivers along the border delivered women to brothels.

There were reports of persons trafficked for labor purposes, including instances of Chinese immigrants being forced to work in local Chinese-owned sweatshops and of children working in activities such as shining shoes or selling newspapers at kiosks. Members of the East Indian community also trafficked persons from India as bonded laborers, holding their passports and paying less than minimum wage.

The government's National Committee for Families and Children reported instances of minors engaged in prostitution with older male clientele, in some cases of their own volition, in others arranged by their family. The girls were typically of high-school age, but some as young as 12 were reported, and came from economically disadvantaged families in which their mothers also were victims of the same abuse. The girls often provided sexual favors to older men in exchange for clothing, jewelry, or school fees and books. In a limited number of cases, the government was not able to prosecute individuals for unlawful carnal knowledge because the victims or their families were reluctant to press charges. In August the government changed the marriage law to prevent men from escaping prosecution for rape by marrying girls under 16 without parental consent.

On February 4, police in Orange Walk arrested and charged a Salvadoran national and mother of a 12-year-old girl with abetment to commit carnal knowledge, and also charged adult male Ernesto Magana with unlawful carnal knowledge, adult male Mario Zepeda with abetment of carnal knowledge, and charged adult female Katalina Jimenez with permitting the defilement of a child on her premises. A preliminary inquiry into the matter was set for January 2006.

On December 9, police arrested and charged Petronila Urratio with procurement pursuant to an investigation into reports that for over a year she had forced her 12-year-old daughter to have paid sexual intercourse with clients.

On December 23, Cecilia Garcia and her common-law husband Walter Swazo were tried and convicted of trafficking Garcia's 12-year-old sister for the purpose of sexual exploitation to Salvadoran national Santos Martinez, who took the minor to El Salvador. Garcia and Swazo each received sentences of one year in prison. At year's end authorities sought the extradition of Martinez, who remained in Salvadoran police custody.

The law also provides for limited victims' assistance, although, in practice there were insufficient government resources to provide meaningful aid to victims. Non-citizen victims willing to assist in prosecuting traffickers are legally eligible for residency status.

The government's National Committee for Families and Children provided nationwide training programs mostly for front line police and immigration officials, and the Ministry of Home Affairs increased the number of border checkpoints to control trafficking in and out of the country.

#### Persons with Disabilities

Although the law does not expressly prohibit discrimination against persons with physical and mental disabilities, the constitution provides for the protection of all citizens from any type of discrimination. The law does not provide for accessibility for persons with disabilities. In practice persons with disabilities had access to regular classrooms and some limited special programs, but there were no separate schools for persons with disabilities. During the year there were no reports of discrimination against persons with disabilities in employment, education, or access to health care, and other state services. The government-operated Committee for those with Disabilities is tasked with enforcing protection and public education.

In November the committee and the Ministry of Education sponsored a nationwide tour of schools for Karen Gaffney, an international advocate for persons with Down's syndrome. Private companies and NGOs, such as the Belize Association of and for Persons with Disabilities and the Belize Center for the Visually Impaired, provided services to persons with disabilities. The Ministry of Education maintained an educational unit offering limited special education programs with strict entry requirements, within the regular school system.

#### Indigenous People

The country is a pluralistic society comprising several ethnic minorities and indigenous Mayan groups. Among the country's indigenous population, the Mopan and Ke'kchi historically were characterized under the general term Maya, although self-proclaimed leaders more recently asserted that they should be identified as the Masenal ("common people").

There were no further developments and none were expected regarding the November 2004 rebuke by Inter-American Commission on Human Rights' of the government for not acting on the commission's 2003 recommendations that the government demarcate land occupied communally by indigenous communities before taking any further actions on the disputed lands.

#### Other Societal Abuses and Discrimination

Ethnic tension, particularly resentment of recently arrived Central American and Asian immigrants, continued to be a problem. There was some societal discrimination against persons with HIV/AIDS, and the government worked to combat it through the public education efforts of the National Committee on HIV/AIDS under the Ministry of Human Development and through the Pan-American Social Marketing Organization, which received foreign government assistance.

#### Section 6 Worker Rights

##### a. The Right of Association

By law and in practice, workers generally were free to establish and join trade unions. Eight independent unions, whose members constituted approximately 11 percent of the labor force, represented a cross-section of workers, including most civil service employees. The Ministry of Labor recognizes a union after it has registered with the registrar's office. The National Trade Union Congress of Belize only recognized unions that held free, annual elections of officers. Both law and precedent effectively protect unions against dissolution or suspension by administrative authority.

The law prohibits antiunion discrimination. The government did not undertake any formal steps to address 2004 recommendations of the International Confederation of Free Trade Unions concerning employer antiunion discrimination in the banana production sector and export processing zones. The law does not require reinstatement of employees fired for union organizing activities, but an aggrieved employee can seek such redress from the courts. In practice effective redress for workers dismissed for union organizing was extremely difficult to obtain. Although workers are able to file complaints with the labor department, it was difficult for workers filing complaints to prove that a termination was due to union activity.

#### b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, and unions practiced it freely. Although employers and unions can set wages in free negotiations, more commonly, employers simply established them. The labor commissioner or his representative has the authority to act as a mediator in deadlocked collective bargaining negotiations between labor and management, offering nonbinding counsel to both sides. If either union or management chooses not to accept the commissioner's decision, both may request to a legal hearing.

Unions may organize freely, but the law does not require employers to recognize a union as a bargaining agent if no union within that sector covers more than 50 percent of the workers.

The law permits unions to strike and does not require notice before a strike. However, this right is not extended to public sector workers in areas designated as "essential services," which is broadly defined and includes postal, sanitary, health, and other services, as well as services in which petroleum products are sold. The law also empowers the government to refer a dispute to compulsory arbitration in order to prohibit or terminate a strike.

There are no special laws or exemptions from the regular labor laws in the country's 4 general and 26 special export-processing zones (EPZs). There were no unions in the EPZs.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5). In its annual report, the ILO Committee of Experts requested that the government repeal sections of the Trade Unions Act that provide for compulsory labor as a punishment for violations of labor discipline or for participation in strikes by persons employed by the government or any public service.

##### a. Prohibition of Child Labor and Minimum Age for Employment

Child labor was a problem particularly in family-related commercial activities. The law prohibits the employment of children under age 12 and the employment of children between the ages of 12 and 14 before the end of school hours on official school days. While the law does not expressly provide for a maximum number of weekly hours of work that can be performed by persons under 18 years of age, it generally limits work hours for all persons to 45 hours per week. The law expressly prohibits children from working overtime. By law, children are permitted to work on family farms and in family-run businesses. The minimum age for employment involving hazardous machinery is 17-years-old. There were ambiguities in the legal definition of child labor in relation to light work, hazardous work, and artistic performance. Inspectors from the departments of labor and education are responsible for enforcing these regulations, but there were no updated reports on whether child labor laws were well enforced during the year.

In 2003 the Central Statistical Office issued the findings of an ILO study that estimated that 6 percent of children between the ages of 5 and 17 were working, half of them in hazardous work. The study did not include the sizeable population of undocumented minors, many of whom were not in school. The Department of Labor coordinated with police and social services authorities to provide health and other services to undocumented foreign children who worked.

Children in rural areas worked on family plots and businesses after school, on weekends, and during vacations, and were involved in the citrus, banana, and sugar industries as field workers. Children in urban areas shined shoes, sold food, crafts, and other small items, and worked in markets. Adolescent girls, some of whom were trafficked within the country and to and from neighboring countries, worked as domestic servants, and some worked in commercial sexual activities (see section 5). There were no government-sponsored child labor prevention programs.

##### e. Acceptable Conditions of Work

The national minimum wage was \$1.12 (\$2.25 BLZ) for all workers. The minimum wage law did not cover workers paid on a piecework basis. The Ministry of Labor was charged with enforcing the minimum wage, which generally was respected in practice. The national minimum wage did not provide a decent standard of living for a worker and family.

The law sets the workweek at no more than 6 days or 45 hours and requires premium payment for overtime work. The exploitation of

undocumented Central American workers, particularly young service workers and agricultural workers, continued to be a problem.

Several different health and safety regulations covered numerous industries, and the Ministry of Labor set and enforced these regulations to varying degrees. The government committed its limited inspection and investigative resources principally to urban and more accessible rural areas where labor, health, and safety complaints were registered. Workers had the legal right in law and practice to leave a dangerous workplace situation without jeopardy to continued employment.

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