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2009 Human Rights Reports: Belize

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

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Belize is a constitutional parliamentary democracy with an estimated population of 314,300. In February 2008 Prime Minister Dean Barrow's United Democratic Party (UDP) won 25 of the 31 seats in the House of Representatives following generally free and fair multiparty elections. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently.

The government generally respected the human rights of its citizens. Human rights problems included killings and the use of excessive force by security forces, which the government in some cases took steps to prosecute administratively. Other problems included lengthy pretrial detention, domestic violence, discrimination against women, sexual abuse of children, trafficking in persons for sexual and labor exploitation, discrimination based on sexual orientation, and 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

The government or its agents did not commit any politically motivated killings; however, there were isolated reports that security forces committed arbitrary or unlawful killings.

In March police officers shot and killed a 20-year-old Belize City resident during an alleged robbery attempt. Witnesses claimed that the police officer stood over the man and shot him in the face. There was no additional information on the case from the Office of Internal Affairs (OIA). There was no known investigation.

In August a Belize City family claimed that police officers beat their 17-year-old son to death while he was in custody on charges of robbery. Witnesses stated that the boy was last seen with police officers in a police vehicle before his body was found. There was no known investigation.

In August 2008 a police constable was charged with murder for shooting a man in the back of the head. The court date, originally set for October 2008, was postponed twice and remained to be rescheduled 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 used excessive force.

On January 5, the politically appointed position of ombudsman, which receives complaints of alleged misconduct and abuse by police, was filled after being vacant for a year. The government occasionally 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.

Through September the police Office of Internal Affairs (OIA) received 41 allegations of police violence and 50 complaints of police abuse. The Office of the Ombudsman reported that, as of September, it filed 15 requests for information with the OIA regarding allegations of police brutality.

In February a man from Belize City stated that three police officers attacked him and left him bleeding on the pavement with injuries that required hospital treatment. The man indicated he would file a report with the OIA; however, at year's end, the OIA reported that no complaint had been filed.

In July a youth claimed that two police officers detained him, told him he was being taken to the police station, but instead drove him to the side of a major highway and used excessive force on him, which included beatings and a gunshot to the head.

In August a youth claimed that he was taken to a burglary crime scene and beaten by a police officer before being charged for the burglary. There was no additional information from the OIA regarding the claim.

In November authorities charged a police corporal with sexual assault while on duty. The corporal was released on bond and awaited trial at year's end.

In December a 14-year-old crime suspect claimed that he had been beaten and sexually assaulted while in police custody. The case remained pending at year's end.

A court convicted and sentenced to 12 years' imprisonment the Dangriga police constable suspended from duty on charges of raping a 14-year-old girl in 2007; however, the conviction was reversed on appeal.

There were no developments, and none were expected, in the 2007 case where police shot and killed a San Pedro man, claiming afterward that he had pointed a gun at them. Although ordered by the Office of the Director of Public Prosecutions (DPP), a coroner's inquest had not been rescheduled, and the case remained under investigation at year's end.

Prison and Detention Center Conditions

Prison conditions were poor and did not meet international standards. The number of inmates in the country's only prison, Belize Central Prison, fluctuated between 1,400 and 1,450; on December 1, it held 1,423 inmates, including 28 women and 49 juveniles. In February the prison opened a new facility with a capacity to hold 550 remanded prisoners, increasing capacity from 1,200 inmates to 1,750. Although the prison budget provided BZ\$13 (\$6.50) per prisoner per day for operating costs, a local nonprofit organization, the Kolbe Foundation, which administered the Belize Central Prison, reported that actual costs were 10 percent higher. Funding from independent sources defrayed costs above the budgeted

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level. Prisoners in the supermax (Tango 10) section sometimes lived two per cell. Isolation in a small, unlit, unventilated punishment cell, called a "reflection room," was used to discipline inmates in the youth section.

The Belize Central Prison, which investigated formal complaints regarding prison conditions, reported no cases of abuse or excessive force by prison officials. The prison holds officer tribunals approximately twice a month to deal with officer misconduct, including such issues as absence without leave, dereliction of duty, and disobeying the rules. Disciplinary actions were taken in 80 to 90 percent of the cases brought before the tribunal; 30 percent of those actions resulted in termination of employment. Prison officers committing criminal offenses do not go through the tribunal process but are immediately detained and processed through the judicial system.

As of November, there were approximately 31 incidents of inmate-on-inmate violence, two of which resulted in serious injuries requiring hospitalization; there was one fatality, which was under investigation by the Belize National Police.

The Belize Central Prison has four counselors, including a woman who counsels female inmates. The prison includes a separate facility for women, located 200 yards outside of the main compound. Conditions in the women's facility are significantly better than those in the men's compound. The courts occasionally sent female juveniles to the Belize Central Prison; however, most of those convicted were placed in the care of the government social services authorities in facilities such as the Youth Hostel. There was one 17-year-old woman at the prison who shared a cell with a female adult. Male juveniles, both on remand and convicted, lived in a separate facility outside the main perimeter fence of the Belize Central Prison, but they were within visual and auditory distance of the adult facility.

The government permitted visits by independent human rights observers. The ombudsman made her first visit to the Belize Central Prison in August.

Living conditions at the country's sole prison continued to improve: every cell has a toilet and proper lighting, and all cells were protected from the elements. Trusties were held in larger rooms of eight to a cell, while the regular prison population was held in cells of two to four prisoners.

d. Arbitrary Arrest or Detention

Although the constitution and law prohibit arbitrary arrest and detention, there were occasional accusations of arbitrary arrest and detention.

Role of the Police and Security Apparatus

National and local police under the Office of the Commissioner of Police maintain internal security. The Ministry of National Security supervises the Department of Police and the Department of Immigration. The Customs Department reports to the Ministry of Finance. The Belize Defense Force (BDF), under the Ministry of National Security, handles external security and also has some responsibilities for domestic security under the Office of the Commissioner of Police to complement mobile and foot patrols. BDF soldiers carry out preventive patrols along with the police, primarily in Belize City. The 1,193-member national police force responded to complaints. Inadequate government resources, low pay for officers, and corruption remained problems. During the year there were no reported cases of impunity for security authorities.

As of November, the OIA had received a total of 135 complaints against police officers and investigated 16 complaints of police corruption. Authorities investigated 89 police officers for corruption, violence, or abuse, resulting in 10 monetary fines, five reprimands, two severe reprimands, four dismissals, one recommendation for dismissal, and 67 findings of not guilty or justifiable actions. A total of 46 cases related to corruption, violence, or abuse remained under investigation.

Arrest Procedures and Treatment While in Detention

Police must obtain search or arrest warrants issued by a magistrate, except in cases of hot pursuit, when there is probable cause, or when the presence of a firearm is suspected. The law requires police to inform a detainee (in writing) 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.

The law requires police to follow the Judges' Rules, a code of conduct governing police interaction with arrested persons. Although cases sometimes were 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 telephone call after arrest. While there is a functioning bail system, a 2008 law prohibits magistrates or police officers from granting bail for certain offenses, such as murder, kidnapping, any offense committed with a firearm, or narcotics charges involving 2.2 pounds or more of illegal drugs. In such cases the Supreme Court may grant bail upon receiving an application.

Detainees sometimes could not afford bail, and backlogs in the docket often caused considerable delays and postponement of hearings, occasionally resulting in prolonged pretrial detention. As of November, there were 425 persons (29 percent of the prison population) in pretrial detention.

e. Denial of Fair Public Trial

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

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The law extends the following rights to persons accused of civil or criminal offenses: 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 their safety, in which case 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 capital murder cases. Most defendants could not afford an attorney, and there was a higher rate of conviction of defendants without legal representation. Many defendants remained unrepresented. The constitution and law allow defendants to confront and question witnesses against them and to present witnesses on their behalf. Defendants have the right to produce evidence in their defense and to examine evidence held by the opposing party or within the hands of the court.

Lengthy trial backlogs remained during the year. The DPP cited staffing constraints as the main reason for the backlog. Routine cases without a defense attorney were decided within three months, but cases involving a serious crime or in which a defense attorney was present took more than one year. The DPP dismissed a large number of Supreme Court cases, citing uncooperative witnesses or a lack of evidence. Judges were often slow to issue rulings, which sometimes took a year or longer.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Most civil suits are heard in the Supreme Court; however, the magistrates' courts have jurisdiction over civil cases involving sums of less than BZ\$5,000 (\$2,500). In addition to civil cases, the Supreme Court has jurisdiction over cases involving human rights issues. The backlog of civil cases in the Supreme Court increased during the year due to an increase in the number of cases.

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 from questioning 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 BZ\$5,000 (\$2,500), imprisonment of up to three years, or both. There were no reports that this prohibition was invoked during the year.

The independent media were active and expressed a wide variety of viewpoints without restriction. All newspapers were subject to libel laws that were enforced during the year.

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.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Lack of infrastructure and high costs limited public access to the Internet. The International Telecommunication Union reported that in 2008 there were 11 Internet users per 100 inhabitants.

Academic Freedom and Cultural Events

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

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.

c. Freedom of Religion

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

Pursuant to a constitutional amendment, the governor general appoints one of 12 senators, in accordance with the advice of the Belize Council of Churches and the Evangelical Association of Churches.

Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination, including anti-Semitic acts. There were fewer than 10 members in the Jewish community.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The constitution prohibits forced internal or external exile of citizens.

Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. Its laws provide for the granting of asylum or refugee status, but the government no longer has an established system for providing protection to refugees. The nongovernmental organization (NGO) Help For Progress, the UNHCR's implementing partner in the country, assisted with refugee and asylum cases. Individual cases were handled through the Immigration and Nationality Department.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. In February a group of 16 Cubans found floating on a craft off the coast were reportedly brought ashore, given treatment, and placed in detention while awaiting a decision about repatriation. According to media reports, two individuals died, one went missing, and the remaining 13 sought judicial review of their claims for refugee status. Eventually the government assisted in the repatriation of 10 individuals in May, while the remaining three applied for asylum, were offered work permits, and were awaiting results on their asylum applications at year's end. The government also provided protection for and assisted in the voluntary repatriation of an Indian national in June.

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

The constitution provides citizens 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 February 2008 the UDP obtained a parliamentary majority in generally free and fair elections.

There were five women, among them the president, in the 12-member appointed Senate but no women in the 31-seat House of Representatives. Mestizo, Creole, Maya, Garifuna, Mennonite, and other minority and immigrant groups were represented in the National Assembly and at the highest levels of government.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, there have been no successful prosecutions for official corruption. The World Bank's worldwide governance indicators reflected that corruption was a problem.

In June the chief justice of the Supreme Court dismissed the case charging former prime minister Said Musa with theft of BZ\$20 million (\$10 million).

The Prevention of Corruption in Public Life Act requires public officials to submit annual financial statements, which are to be reviewed by the Integrity Commission.

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 Office of 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.

Section 5 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 often were cooperative and responsive to their views.

The ombudsman, although appointed by the government, acts as an independent check on governmental abuses. The Office of the Ombudsman consists of the ombudsman, an assistant, and a secretary. By year's end, the office had not published its annual report. The Office of the Ombudsman reported difficulty in receiving information from the Belize Police Department regarding allegations of police brutality. The ombudsman reported that information received was insufficient, resulting in her decision to initiate independent judicial proceedings for 15 cases.

Section 6 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 criminalizes rape, including spousal rape.

The criminal code states that persons convicted of rape or marital rape shall be sentenced to not less than eight years' and up to life imprisonment. In practice, however, sentences were often much lighter. In a number of instances, the DPP dropped the charges if the accusing party did not testify at trial. Police and courts enforced statutory rape laws; however, in relation to the number of accusations, convictions were infrequent, as the prosecution discontinued cases when complainants were unwilling to proceed or requested no further court action. Police reported 30 cases of rape during the year; there were 13 arrests in the 16 cases reported through September.

The law prohibits domestic violence and contains penalties, including imprisonment, for violations, depending on the crime. The law empowers the family court to issue protection orders against accused offenders. Domestic violence against women remained a significant problem. Through June the Belize Police Department reported that 782 cases of domestic violence were recorded by police and health authorities. Domestic violence was most prevalent in the Belize District, which includes Belize City. There were two women's shelters in the country (with a total of 18 beds) that offered short-term housing.

The law does not explicitly address adult prostitution, and the government did not use law enforcement resources to combat prostitution. Loitering for the purposes of prostitution, operating a brothel, and soliciting sex are illegal.

The magistrates' courts deal with sexual harassment complaints. There are no criminal penalties for sexual harassment, and no sexual harassment cases were brought during the year.

Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and they had the information and means to do so free from discrimination, coercion, and violence. Programs undertaken by the Ministry of Health and the Belize Family Life Association provided for information and access to family planning and reproductive health services. Women and men were afforded equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

Despite legal provisions for gender equality, the media continued to report that women faced social and economic discrimination. There were no legal impediments to women owning or managing land or other real property. Women participated 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 BZ\$710 (\$355), compared with BZ\$751 (\$374.50) for a man, based on the 2007 Belize Labor Force Survey.

The Women's Department under the Ministry of Human Development and Social Transformation 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

Citizenship is derived by birth within the country's territory, regardless of the nationality of the parents. Citizenship may also be acquired by descent if least one parent is a citizen of the country; however, citizenship by descent is not automatic for a child born outside the country.

The law requires the registration of the birth of children, and it was effectively enforced.

Through June the Epidemiology Unit at the Ministry of Health recorded 110 cases of domestic violence and 36 cases of sexual abuse against children under 14, and the police reported 42 cases of unlawful carnal knowledge as of September. In many cases, the government was unable to prosecute individuals for sexual abuse and unlawful carnal knowledge because the victims or their families were reluctant to press charges.

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. The UN Children's Fund (UNICEF) expressed concern about the criminal justice system's response to cases, as many of the perpetrators were not prosecuted and many cases were withdrawn due to lack of evidence and poor-quality investigations.

The Family Services Division in the Ministry of Human Development and Social Transformation is 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, and worked with local and international NGOs and UNICEF to promote children's welfare.

The legal age for consensual sex is 16. Carnal knowledge of a female child under the age of 14, with or without her consent, is an offense punishable by 12 years' to life imprisonment. Carnal knowledge of a girl who is 14 to 16 is an offense punishable by five to 10 years' imprisonment.

Paid sex with a 16- or 17-year-old is a crime. The law criminalizes the procurement or attempted procurement of unlawful carnal knowledge with a female who is under the age of 18 and who is not a common prostitute or of "known immoral character;" an offender is liable to five years' imprisonment.

There are no laws against pornography; however, the criminal code establishes a penalty of two years' imprisonment for persons convicted of publishing or offering for sale any obscene book, writing, or representation.

Trafficking in Persons

The law prohibits trafficking in persons, which is punishable by fines of up to BZ\$10,000 (\$5,000) and imprisonment of up to five years. There were reports that persons were trafficked within, to, and through the country, mainly from neighboring countries, for purposes of forced labor and commercial sexual exploitation.

There were no reliable estimates of the extent of trafficking. However, the Ministry of Foreign Affairs, working with the Ministry of Human Development, indicated that three victims of trafficking in persons were identified through year's end. Of the three investigations, two reports were unsubstantiated and one investigation continued at year's end. There were reports that women were trafficked to the country from neighboring countries, such as Guatemala, Honduras, and El Salvador, primarily for prostitution and nude dancing. NGOs reported that persons in the commercial sex trade appeared to be in the country (and in their current occupation) by choice, usually at the suggestion of a friend or family member who was also engaged in commercial sex work. Victims generally lived in squalid conditions in the bars where they worked. Some bar owners reportedly confiscated victims' passports.

The government's National Committee for Families and Children and UNICEF reported that underage girls from economically disadvantaged backgrounds often provided sexual favors to older men, "sugar daddies," in exchange for clothing, jewelry, school fees, or books at the urging of their families. Adolescent girls, some of whom were trafficked within the country and to and from neighboring countries, worked as domestic servants and in commercial sexual activities.

There were no successful prosecutions of traffickers during the year. One case involving five Indian nationals was scheduled to go to trial on September 28; however, the trial was delayed while the prosecutor searched for a qualified interpreter.

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

The government's Anti-Trafficking in Persons Committee, led by the Ministry of Human Development and including representatives of various other ministries, departments, and NGOs, is the lead entity in combating trafficking. The NGO Youth Enhancement Services (YES) launched a public awareness campaign in October to combat "intergenerational transactional sex."

The Department of State's annual *Trafficking in Persons Report* can be found at www.state.gov/t/tp.

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. There were two schools (the Cayo Deaf Institute in Central Farm and the Stella Maris School for disabled children in Belize City) and four special education centers (located in Corozal, Punta Gorda, Orange Walk, and Dangriga) for children with disabilities.

Informal government-organized committees for persons with disabilities were tasked with public education and enforcing protection. Private companies and NGOs, such as the Parents Association for Children with Special Needs and the Belize

Council for the Visually Impaired, provided services to persons with disabilities. The Ministry of Education maintained an educational unit offering limited special education programs within the regular school system.

National/Racial/Ethnic Minorities

Ethnic tension, particularly resentment of recently arrived Central American and Asian immigrants, continued to be a problem, resulting in discrimination characterized largely by verbal mistreatment.

Indigenous People

The country's pluralistic society comprised several ethnic minorities and indigenous Mayan groups. Among the country's indigenous population, the Mopan and Kekchi 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"). The Maya Leaders' Alliance, which comprised the Toledo Maya Cultural Council, the Kekchi Council of Belize, the Toledo Alcaldes Association, and the Toledo Maya Women's Council, monitored development in the Toledo District with the goal of protecting Mayan land and culture. While there were legal disputes concerning land development, there were no reports of governmental violations of civil or political rights. In July the Supreme Court heard a communal land rights case including 38 villages in the Toledo District that was filed in 2008 by the Maya Leader Alliance and the Toledo Alcades Association. The case was heard in July, and the chief justice's judgment was pending at year's end.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law does not protect sexual orientation or gender identity. The criminal code states that "carnal intercourse" with "any person" "against the order of nature" shall receive a punishment of 10 years' imprisonment. The law is interpreted as affecting male-to-male sex but not female-to-female sex.

The extent of discrimination based on sexual orientation was difficult to ascertain due to lack of reporting of instances of discrimination through official channels.

In July two men from Orange Walk alleged they were harassed because of their sexual orientation. One of the men reported to the United Belize Advocacy Movement (UNIBAM) that he and his partner were harassed by a group of police officers while visiting a local public park. The officers took the men to the police station where they detained one of the men overnight. During detention, the man alleged that the police verbally abused him with derogatory comments about his sexual orientation. The individual refused to file a complaint due to fear of future harassment and information that one of the police officers conducting the harassment was also the officer in charge.

The country's sole lesbian, gay, bisexual, and transgender advocacy organization, UNIBAM, reported that continuing harassment and insults by the general public and police affected its activities; however, its members were reluctant to file complaints. There were no gay pride marches organized in the past year due to UNIBAM membership concerns over the public's reaction to such a march.

Other Societal Violence or Discrimination

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 AIDS Commission under the Ministry of Human Development and through the Pan American Social Marketing Organization.

Section 7 Worker Rights

a. The Right of Association

By law and in practice, workers were generally free to establish and join trade unions. Eleven independent unions, whose members constituted approximately 7 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. The union must be certified by a tripartite body, comprising three members each from an established trade union, the business community, and the government, in order to represent workers. Both law and precedent effectively protect unions against dissolution or suspension by administrative authority.

The law permits unions to strike and does not generally require notice before a strike. However, this right is not extended to public sector workers in areas designated as "essential services," which are broadly defined and include postal, sanitary, health, and other services, as well as services in which petroleum products are sold. Essential services workers must provide 21 days' notice to strike. The law also empowers the government to refer a dispute to compulsory arbitration in order to prevent or terminate a strike.

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, they may request 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 prohibits antiunion discrimination and contains a mechanism by which employees terminated for union organizing may seek redress. In practice there was antiunion discrimination on the banana plantations and in the export processing zones (EPZs), where employer collectives and associations have not agreed to recognize unions. While an aggrieved employee can seek redress from the courts, 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 who filed complaints to prove that their termination was due to union activity, and fines imposed on employers in cases of antiunion discrimination were too low to discourage employers from such practices.

There are no special laws or exemptions from the regular labor laws in the country's 63 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.

d. Prohibition of Child Labor and Minimum Age for Employment

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. The law permits children to work on family farms and in family-run businesses. The minimum age for employment involving hazardous machinery is 17 years. 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 regulations governing child labor, but there were no updated reports on whether child labor laws were well enforced during the year.

Child labor was a problem in family-related commercial activities. Children in rural areas worked on family plots and businesses after school, on weekends, and during vacations, and they were involved in the citrus and banana industries as field workers. Children in urban areas shined shoes and sold food, crafts, and other small items. Adolescent girls were trafficked within, to, and from the country (see section 6, Trafficking in Persons). Children frequently sold fruit and baked goods along the country's northern and southern highways and also crossed into the country from Guatemala on a daily basis to work as street vendors in the urban centers of the Cayo district. A 2003 International Labor Organization study, the most recent available, estimated that 6 percent of children between the ages of five and 17 were working, with 69 percent engaged in hazardous work.

e. Acceptable Conditions of Work

The national minimum wage varied according to the type of work in which an employee is engaged. The minimum wages for various sectors were established on the basis of a survey of various domestic businesses, resulting in an average that was reviewed and approved by the cabinet. The survey was conducted in 2006 by the wages council, which consisted of representatives of government, employers, and unions. For those in agriculture and agroindustry, the hourly minimum wage was BZ\$2.50 (\$1.25); for manual and domestic workers, it was BZ\$3.00 (\$1.50). The minimum wage law did not cover workers paid on a piecework basis. The national minimum wage did not provide a decent standard of living for a worker and family. The Ministry of Labor was charged with enforcing the minimum wage, which generally was respected in practice.

The law sets the workweek at no more than six 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 enforced these regulations to varying degrees due to limited resources. 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 have the legal right to leave a dangerous workplace situation without jeopardy to continued employment and did so in practice.