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2010 Human Rights Reports: Belize

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

April 8, 2011

Belize is a constitutional parliamentary democracy with an estimated population of 333,000. 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. There were instances in which elements of the security forces acted independently of civilian control.

Human rights abuses included civilian killings and the use of excessive force by security forces, which the government took steps to prosecute administratively in some cases. Other problems included lengthy pretrial detention, domestic violence, discrimination against women, sexual abuse of children, trafficking in persons, 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 and allegations that security forces committed arbitrary or unlawful killings.

In February a Ladyville police officer shot and killed a Jamaican as he was riding away from a fight outside a bar. Eyewitnesses alleged that the victim posed no threat to the officers, but the police claimed that he carried a shiny object the officer mistook for a gun. Authorities charged a police corporal with manslaughter and another constable with abetment to commit manslaughter. The case against the officers was adjourned to January 2011.

In March an unknown person, shooting from a vehicle, killed a 21-year-old university student on a bicycle. The victim reportedly had been involved in an altercation with a police officer earlier the same evening, and the family alleged that a

police officer committed the killing. The police commissioner stated that witnesses pinpointed "no specific officer," and an investigation remained pending at year's end.

In May a Caye Caulker police constable allegedly shot and killed a man who was in police custody after being arrested for disorderly conduct and assaulting a police officer. Authorities charged the constable with murder. The case was adjourned to January 2011.

In September Carlos Espat, the older brother of a well-known opposition party member, was found dead in his home. An autopsy determined the cause of death was blunt trauma to the head and chest. An investigation remained pending at year's end.

In March the Ministry of National Security presented the results of its inquiry into the December 2009 killing of Christopher Galvez, which family members alleged was committed by a police officer. While the inquiry reported irregularities and breach of Belize Police Department (BPD) standing orders, it found no evidence of professional misconduct in the police investigation itself. The investigation into the killing continued at year's end, while the family complained publicly of police harassment and threats.

In February the trial of a police constable charged with murder in the 2008 killing of a man shot as he was pursued by police ended when the Supreme Court instructed the jury to find the officer not guilty; the decision followed a successful "no case" submission by the officer's legal counsel.

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.

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 December the BPD held 38 officers on interdiction or suspension as a result of alleged misconduct ranging, inter alia, from murder (two), manslaughter (three), extortion (six), keeping unlicensed ammunition (five) and theft (three). The Office of the Ombudsman reported that during the year its office received 104 complaints against the police department and its personnel, including 37 allegations of police brutality.

In March authorities charged an off-duty police officer with kidnapping, robbery and aggravated assault of a vegetable vendor in San Pedro. According to the victim, the police officer, accompanied by a Belize Defense Force (BDF) soldier, went to the vendor's boat, searched his premises, and robbed him of BZ\$350 (\$175). BDF authorities did not charge the soldier because he reportedly remained on the wharf where the vessel was moored and did not assist his confederate on the boat. The case against the police officer was adjourned until January 2011.

In March a Dangriga policeman shot a fisherman in the back. Police asserted that the fisherman resisted arrest and tried to take the officer's weapon, but the victim and witnesses claimed he was running from the police when shot. Authorities did not charge the police officer despite a recommendation from the Office of Internal Affairs that the case be referred to the Office of Director of Prosecutions.

In April a Belize City police inspector shot a man in the head when he fired upon the vehicle in which the victim was riding. Contrary to eyewitness accounts to the media, police claimed the inspector fired accidentally; a police spokesman said that the vehicle was similar to one used in another offense earlier that night. Authorities arrested the inspector on charges of attempted murder and dangerous harm and suspended him from duty, but the Supreme Court granted him bail in June. The victim remained partially paralyzed as a result of the incident. The case was adjourned to February 2011.

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In May authorities charged six Belize City policemen with wounding an electrical mechanic at the Mile Four police checkpoint on the Western highway. Reportedly police believed the mechanic fired shots at the checkpoint as he was driving past. In October the prosecution withdrew charges against four of the six police constables for lack of evidence. The other two officers were subsequently acquitted of the charges and remained employed by the police department.

As of August the BDF reported four unresolved complaints of excessive force made against military personnel, including two where investigations resulted in charges and in which the cases were pending before the courts at year's end. One case involved a BDF soldier who was charged with aggravated assault in March and then released on bail.

In a 2009 case in which a police and BDF patrol shot a man in Orange Walk District, BDF authorities reported that the patrol sought to subdue the man, who was intoxicated, and that he was shot in the leg only after he failed to respond to warning shots. The man subsequently succumbed to his injury while in the hospital. BDF authorities suggested that death resulted from negligent medical care. The case remained pending in court at year's end.

In August the Office of the Director of Public Prosecution determined there was insufficient evidence to substantiate a case against a police corporal charged in November 2009 with sexual assault while on duty.

There were no known developments, and none were expected, in the December 2009 case of a 14-year-old crime suspect who claimed that he had been beaten and sexually assaulted while in police custody.

Prison and Detention Center Conditions

Prison conditions were poor and did not meet international standards. Belize Central Prison, the country's only prison, is administered by a local nonprofit organization, the Kolbe Foundation, which also operates the government's parole program. Although the Foundation received a government payment of BZ\$13 (\$6.50) per prisoner per day for operating costs and supplementary funding from independent sources, it operated with a deficit during the year and suspended some services, such as facility repair.

The regular prison population was held in cells each accommodating approximately four to six persons. Prisoners on remand were held in a newer facility approximately three to four in a cell. Prisoners in the maximum security (Tango 10) facility were also held in the newer facility usually one inmate per cell. Isolation in a small, unlit, unventilated punishment cell, called a "reflection room," was used to discipline inmates in the youth section.

At the end of December, prison authorities reported approximately 20 incidents of inmate-on-inmate violence, approximately 10 of which resulted in hospitalization and one resulted in death. Authorities investigated a complaint that a prison guard's use of pepper spray on an inmate constituted brutality but found no evidence that the prisoner had been abused.

At the end of December, the prison held 1,410 inmates (190 fewer than capacity), of whom 24 were women and 47 were juveniles. In December the prison held approximately 400 prisoners in pretrial detention, approximately 48 percent of its capacity for such prisoners.

Women and men were held in separate facilities. The prison includes a separate facility for women located 200 yards outside of the main compound. Conditions in the women's facility were significantly better than those in the men's compound. The judicial system occasionally sent female juveniles to the Belize Central Prison; however, there was no separate facility for female minors. In April the prison held five female minors for two weeks; they were held in a cell separate from other women.

Male juveniles, both on remand and convicted, were held separately at the Wagner Youth Facility within the prison compound. They lived in a dormitory facility, not in cells. Prison authorities considered this a risky confinement arrangement, since most sentenced juvenile males were convicted of murder and many were gang members.

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.

Inmates were given daily access to visitors, and there is no restriction on religious observance. A full-time chaplain coordinates visits by ministers from different denominations. The facilities have a hall where church services take place.

The government retains overall oversight and monitoring responsibility for management of the prison. Government authorities made few monitoring visits during the year. The ombudsman, who visited the prison in 2009, reportedly did not request such a visit during the year; however, then Chief Justice Abdulai Conteh and various magistrates did visit the prison early in the year.

The Ombudsman Act authorizes inmates to make complaints to the ombudsman through prison authorities; however, prison authorities stated that inmates and their family members frequently submitted such complaints directly to the ombudsman.

d. Arbitrary Arrest or Detention

Although the constitution and law prohibit arbitrary arrest and detention, there were occasional charges that the government failed to observe these prohibitions.

Role of the Police and Security Apparatus

National and local security personnel operate under two separate ministerial authorities. In June the Ministry of National Security split into two separate ministries: the Ministry of Defense and Immigration supervises the BDF and the Department of Immigration, while the Ministry of Police and Public Security supervises the BPD. Although primarily charged with external security, the BDF provides domestic security support to civil authorities, and increasing numbers of BDF soldiers worked alongside police officials, particularly in Belize City. BDF authorities indicated that BDF personnel assisting police have no powers of arrest, which remain with the police. Inadequate government resources, low pay for security officers, and corruption remained problems. During the year there were no reported cases of impunity for security-force members.

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 officers 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.

Every person charged with an offense is eligible for bail; however, persons charged with prescribed crimes, such as murder, gang activity, and specified drug-trafficking or sexual offenses, must apply to the Supreme Court for bail.

Case backlogs in the docket often caused considerable delays and postponement of hearings, occasionally resulting in prolonged pretrial detention. The time lag between arrests, trials, and convictions ranged from eight months to as long as two years.

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 all citizens the right to a fair trial and trial by jury for serious crimes, and an independent judiciary generally enforced these rights. Decisions and judgments for lesser crimes are generally issued by a magistrate after deliberating on the arguments presented by the prosecution and defense. Defendants enjoy a presumption of innocence and have the right to defense by counsel (but only in capital cases), a public trial, and appeal. Defendants also 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.

A Legal Aid and Advice Center, staffed by one attorney, provides legal services in civil and noncapital criminal cases in various courts including the Magistrate's Court, the Family Court, and the Supreme Court. The Supreme Court's registrar is responsible to appoint an attorney to act on behalf of indigent defendants charged with murder. There were, nevertheless, cases where defendants were unrepresented. For example, in August a jury returned a guilty verdict against a defendant charged with rape after proceedings in which the defendant was 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, attributable in large part to an underresourced prosecution service and poor communication between police file readers, investigators, and prosecutors. Judges were often slow to issue rulings, sometimes taking a year or longer.

The rate of acquittals and cases dropped from prosecution increased, particularly for murder and gang-related cases, often due to failure of witnesses to testify because of fear for life and personal safety. According to the director of public prosecution, approximately 30 percent of all cases heard by the Supreme Court concluded with the witness not testifying. A law passed during the year allows written statements by witnesses to be admitted into evidence in place of court appearances, which has led judges to require a high degree of proof prior to admitting such statements.

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.

The Interception of Communication Act, which entered into force in December, provides for the use of intercepting software to allow law-enforcement agencies to obtain information in the interest of "national security, public order, public morals, and public safety." The act encompasses the possibility to intercept telephone conversations, facsimile communications, e-mails, and chat and text messages. The government stated these measures were necessary to the war on crime and maintained that sufficient safeguards were incorporated to ensure respect of the right to privacy. Other observers, especially members of the opposition party, criticized the measure as being too broad in scope and subject to abuse.

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 has the right to preview certain broadcasts, such as those with political content, and to delete any defamatory or libelous material. This right was not exercised during the year.

Internet Freedom

There were few government restrictions on access to the Internet and no 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 2009 there were 12 Internet users per 100 inhabitants.

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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

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

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, and the government did not use it.

Protection of Refugees

The laws provide for the granting of asylum or refugee status, but the government does not have 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. The Immigration and Nationality Department handled individual cases.

A one-person refugee desk in the Immigration Department deals solely with renewing refugee residency visas; no refugee permits have been issued in almost 15 years.

In cases of individuals claiming refugee status or asylum, the Immigration Department works with Help for Progress to determine if the individual is indeed eligible for refugee status. Help for Progress also operated a government-subsidized shelter for asylum applicants and refugees.

Two Cubans remained in detention in the Belize Central Prison despite completing their sentence for entering the country illegally. Hubel Rodriguez was unable to return to Cuba because he left without following the proper channels. No other country was willing to accept him because of his criminal record. The second detainee, Pedro Venero Castro, lost his refugee status in Costa Rica after leaving the country without following the proper procedures.

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 there were 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.

The two major political parties and independent candidates participated in village council elections held between April 11 and June 6. The governing UDP claimed to have won 122 out of 191 villages contested, and women accounted for approximately 10 percent of those elected as village council chairpersons.

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 an increasing problem.

In February authorities detained three city council employees for misappropriation of BZ\$60,000 (\$30,000) from the Belize City Council between the period November 2009 and February 2010. An Audit Department investigation continued at year's end. Police reportedly recovered a portion of the funds.

In March authorities charged a police constable and two other men with attempted robbery of a restaurant in Belize City. The charges were subsequently changed to conspiracy to commit robbery. The case continued at year's end and was adjourned to January 2011. The officers were suspended from duty.

The Immigration Department opened internal investigations of alleged corruption among its officials. For instance, during the year an internal investigation verified allegations of fraud by an officer and forwarded the case to the Public Services Commission, after which the officer was demoted. In October authorities charged six immigration officials with offenses relating to the transit of 33 Chinese nationals through the country during September and October. While police investigations continued, the case against the immigration officials was pending before the court. In November the director of immigration was transferred to another office, although the prime minister stated that the move was not disciplinary.

In 2009 authorities charged Belize City Mayor Zenaida Moya and three other council employees with 22 counts of "uttering upon false documents" and two additional counts of failing to comply with accounting regulations of the City Council. The charges were levied in relation to 22 false receipts for gasoline amounting to a total of BZ\$1,540 (\$770) paid by the council. Moya was expelled from her political party but continued to serve as mayor. One council employee died before court proceedings in his case started. In October a court dismissed charges against two other council members, and in November the charges against the mayor were similarly dismissed.

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

A variety of domestic 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, consisting of the ombudsman, an investigator, and a secretary, is vested with a range of

procedural and investigative powers, including the right to enter any premise to gather documentation and the right to summon persons. However, the office operated under both staffing and financial constraints. The ombudsman reported an inability to complete his 2009 report as provided for by law. According to unpublished data, between January and December, the ombudsman dealt with 131 formal and 158 informal complaints, primarily relating to police brutality and land rights issues. Despite complaints of police brutality, there continued to be difficulty in receiving information from the BPD regarding those allegations. Similarly, the Human Rights Commission continued to operate but was constrained by funding and staffing limitations.

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 criminal code criminalizes rape, including spousal rape. The code states that a person convicted of rape or marital rape shall be sentenced to imprisonment of eight years to life although in practice sentences were often much lighter. Generally, challenges to the wider justice system have resulted in poor conviction rates for rape offenses. A number of cases resulted in acquittals or discontinuance because the accusing party dropped the charges or refused to testify at trial (see section 1.e., Trial Procedures). In many instances the failure to proceed with a case was sparked by fear for personal safety on the victim's part. BPD statistics reported 19 cases and 14 arrests made in relation to rape through September.

The law prohibits domestic violence and contains penalties, including fines or imprisonment for violations, depending on the crime. The law empowers the Family Court to issue protection orders against accused offenders. Persons who may apply for protection orders against domestic violence include de facto spouses or persons in visiting relations. Protection orders may remain in place for up to three years and may include a requirement for child maintenance where applicable.

The Women's Department continued its program of "gender sensitization," as well as its campaign against gender-based and domestic violence. In March the Women's Department organized a legal clinic in Punta Gorda on family issues and gender-based violence. The department also initiated a batterers' intervention and prevention program for men who are abusive to women. It is court-connected and received its referrals from both the criminal and civil jurisdictions of the court. The 16-week program consisted of 12 participants.

Despite these efforts domestic violence against women remained a significant problem. Through September the Epidemiology Unit of the Ministry of Health reported that police and health authorities recorded 1,162 cases of domestic violence. 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.

Although sexual harassment legislation exists, consultative reviews undertaken by the Women's Department have determined that it remains largely ineffective, since the fear of dismissal without compensation remained a major deterrent to filing complaints.

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. The reported contraceptive rate for women was 34 percent, and the estimated maternal mortality rate in 2008 was 94 deaths per 100,000 live births. 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 and experienced a more rapidly increasing unemployment rate than men.

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 at 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 81 cases of domestic violence and 18 cases of sexual abuse against children under 14, and the police reported 36 cases of carnal knowledge as of September. In many cases the government was unable to prosecute individuals for sexual abuse and 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.

There were reports children of both sexes were involved in prostitution, including sex tourism. 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.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

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

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

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.

During the year Kim Simplis-Barrow, the prime minister's wife, was named the official spokesperson for persons with disabilities. She launched public announcements, participated in numerous advocacy campaigns on behalf of persons with disabilities, and partnered with CARE-Belize to promote schools that made positive efforts to create inclusive environments for persons with disabilities.

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.

In June the then chief justice, Abdulai Conteh, issued a Supreme Court judgment affirming Maya customary land tenure rights in 33 Mayan villages in the southern district of Toledo. The decision also ordered the government not to take any action contrary to Maya land tenure practices, including leasing lands or resources or granting concessions for logging, mining, or petroleum exploration.

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.

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 possible adverse reaction.

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. Twelve independent unions, whose members constituted approximately 8 to 10 percent of the labor force, represented a cross section of workers, including most civil service employees. The Ministry of Labor recognizes unions and employers associations after they are registered. Both law and practice effectively protect unions against dissolution or suspension by administrative authority.

In the event that negotiations under the auspices of the Labor Commissioner fail, the law permits unions to strike. However, this right is limited for public and private sector employees who provide "essential services." The Settlement of Disputes in Essential Services Act empowers authorities to refer disputes for essential services to compulsory arbitration, prohibit strike, termination actions. Once a dispute involving an essential service is notified to the authorities, it may be refer the dispute to a tribunal. The national fire service, postal service, monetary and financial services, civil aviation and airport security services and the port authority pilots and security services are deemed to be essential services. The tribunal has 21 days from the date of reference to declare an award or furnish advice. The decision of the tribunal is binding on the parties.

b. The Right to Organize and Bargain Collectively

The law protects collective bargaining and it was freely practiced. The Trade Union and Employee's Organizations Act of 2000 establishes procedures for the registration and status of trade unions and employers' organizations and for collective bargaining. A trade union must be certified as a bargaining agent by the Labor Tripartite Body. Additionally, a trade union can only be certified as a bargaining agent if it receives 51 per cent of the vote of the employees. The Labor Commissioner has the authority to act as a mediator in deadlocked collective bargaining negotiations, offering nonbinding counsel. Additionally, the Act prohibits termination of employment of an employee on the ground of trade union membership and union activities.

Although the law prohibits antiunion discrimination, in practice some employers blocked union organization by terminating the employment of key union sympathizers or members, usually on grounds purportedly unrelated to union activities. While a worker can file a complaint with the Labor Department, it is difficult to prove that a termination was due to union activity. Additionally, an aggrieved employee can seek redress from the courts. The judgments in the Christine Perriot and Maya King cases are examples where complaints were filed by aggrieved workers in the telecommunication and banana industries, respectively.

In June the trade union movement registered what it considered a major achievement when the Supreme Court determined that the 2007 termination of Christine Perriott violated the Trade Unions and Employers Organizations Act. Perriott was serving as the General Secretary of the Belize Communication Workers' Union at the time of her termination by the Belize Telemedia Limited. The court awarded her compensation of BZ\$350,000 (\$175,000) for her illegal termination.

While a 2009 decision awarding each of six banana workers who were terminated from Maya King Farm BZ\$70,000 (\$35,000) for wrongful termination was an important milestone for the unions, in October the Court of Appeal reduced the award to BZ\$40,000 (\$20,000) for each employee.

There are no special laws or exemptions from regular labor laws in export processing zones (EPZs). Export processing zones are subject to the labor laws of the country just as any other place of business. Even though unions are not banned, there is no union presence in the EPZs.

c. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor, including by children. There were no verifiable reports of forced or compulsory labor, including by children.

d. Prohibition of Child Labor and Minimum Age for Employment

The Labor Act prohibits the employment of children under age 14. Persons ages 14 to 18 may only be employed in an occupation that a labor officer has determined is "not injurious to the moral or physical development of nonadults," typically light work that is not harmful to life, health, or education. Children under age 16 are excluded from work in factories and those under age 18 are excluded from working at night or in certain kinds of employment deemed dangerous. The National Child Labor Policy has an indicative list of hazardous occupations for young workers.

The law permits children to work on family farms and in family-run businesses. Children in rural areas worked on family plots and family businesses after school, on weekends, and during vacations. National legislation does not address a situation in which child labor is contracted between a parent and the employer.

Children in urban areas commonly shined shoes and sold food, crafts, and other small items. Children crossed from Guatemala on a daily basis to attend school in Benque and Arenal.

The National Child Labor Policy distinguishes between children engaged in work that is beneficial to their development and those engaged in the worst forms of child labor. The policy identifies children involved in the worst forms of child labor as those engaged in hazardous work, in trafficking and child slavery, in commercial sexual activities, and in illicit activities. Credible sources expressed growing concern regarding commercial sexual exploitation of children with respect to sex tourism and intergenerational transactional sex.

The Department of Labor has primary responsibility for implementing labor policies and enforcing labor laws but has limited resources to investigate complaints. Inspectors from the Departments of Labor and Education are responsible for enforcing these regulations. There were no current reports on whether child labor laws were well enforced.

Under the National Child Labor Policy, the Labor Department is the primary stakeholder agency with oversight for child labor. There is also a Child Labor Sub-Committee under the National Committee for Families and Children.

Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

e. Acceptable Conditions of Work

The Ministry of Labor was charged with enforcing the minimum wage, which generally was respected in practice. In August the national minimum wage was adjusted to an across-the-board minimum wage of BZ\$3.10 (\$1.55) per hour. 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 law prescribes that it is the duty of the employer to take reasonable care for the safety of his employees in the course of their employment. Labor law further states that every employer who provides or arranges accommodation for workers to reside at or in the vicinity of a place of employment shall provide and maintain sufficient and hygienic housing accommodations, a sufficient supply of wholesome water, and sufficient and proper sanitary arrangements. Workers have the legal right to leave a dangerous workplace situation without jeopardy to continued employment.

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