

BELIZE 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Belize is a constitutional parliamentary democracy. On March 7, Prime Minister Dean Barrow's United Democratic Party (UDP) won 17 of the 31 seats in the House of Representatives following generally free and fair multiparty elections, albeit with some allegations of irregularities. There were instances in which elements of the security forces acted independently of civilian control.

The most important human rights abuses during the year were the use of excessive force by security forces, including the deaths of five persons involving on or off-duty police officers and discrimination based on sexual orientation.

Other human rights problems included lengthy pretrial detention, domestic violence, discrimination against women, sexual abuse of children, trafficking in persons, and child labor.

In some cases the government took steps to prosecute officials who committed abuses, both administratively and through the courts, but successful prosecutions generally were limited in number and tended to involve less severe infractions. There was apparent impunity for high-ranking officials, but authorities took action against 51 police officers and brought criminal charges against 48 of them for alleged abuses.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings. Security force members occasionally used deadly force in the line of duty, and police officers were involved in three deaths in custody and two off-duty killings. Authorities used police investigations, coroner's inquests, and the director of public prosecutions (DPP) to evaluate all killings by security force members as well as some police-related killings.

Investigations continued into three deaths in police custody, but no investigation was done in the April death of Arthur Young, a notorious gang leader. Police claimed that Young tried to escape and was shot when a firearm went off during a struggle between an officer and Young. In a second death in custody, the post

mortem concluded that the cause of death was lung failure due to excessive drug and alcohol consumption. Authorities placed one officer on interdiction (which is suspension, potentially with garnished wages) with regard to the third death that occurred in police custody, and the DPP was reviewing the matter at year's end. Off-duty police officers in the Toledo district allegedly beat two other persons in separate incidents, both of whom subsequently succumbed to their injuries. Authorities brought murder charges against two police constables in the first case and charged a third constable with manslaughter in the second case. At year's end authorities held the first two constables on remand (pretrial detention) in prison, placed the third one on interdiction, and released him on bail.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits torture or other inhuman punishment, but there were reports that police used excessive force and other allegations of abuse by security force personnel.

The government occasionally ignored reports of abuses, withheld action until the case had faded from the public's attention, failed to take punitive action, or transferred accused officers to other areas within their department.

In January a Honduran national claimed that she was raped by one police officer and four Belize Defense Force (BDF) soldiers while attempting to cross the Jalacte-Santa Cruz border in Toledo. As of the end of August, the DPP was reviewing the file to determine whether sufficient evidence existed to levy criminal charges. The case was complicated by the complainant leaving the country and potentially not returning for trial.

In February a citizen alleged that police officers beat him after apprehension in connection with the 2011 shooting of a police officer. Both the Belize Police Department's (BPD) Professional Standards Branch (PSB, formerly Internal Affairs) and the Ombudsman's Office stated that the victim did not file any complaints with their offices in connection with this incident. The PSB sought out the individual while in police custody and asked if he wanted to make a complaint, which he declined to do.

In December two off-duty police officers physically assaulted four persons in San Pedro. The incident occurred in a bar after one of the officers was confronted for making unwanted advances. The altercation continued outside the bar and the police charged three of the persons with several offenses, including using insulting words against, assaulting, obstructing, and wounding a police officer. Subsequently authorities placed one of the officers on interdiction and the DPP was reviewing the matter at year's end.

Prison and Detention Center Conditions

Despite significant improvements over the last several years, prison conditions did not meet all international standards. A local nonprofit organization administered Belize Central Prison, the country's only prison, but the government retained oversight and monitoring responsibility.

Physical Conditions: At the end of December the prison held 1,562 inmates, including 42 women, 68 juveniles, and 531 on remand. Prison capacity was approximately 1,750.

The regular prison population lived in cells accommodating approximately four to six persons. Prisoners on remand lived in a facility with approximately three to four persons per cell. Some prisoners in the maximum-security section also were held in the remand facility, usually with only one inmate per cell. Prison officials used isolation in a small, unlit, unventilated punishment cell, called a "reflection room," to discipline inmates in the youth section. Inmates had access to potable water.

Prison officials held women and men in separate facilities. The women's facility was located 200 yards outside the main compound. Conditions in the women's area were significantly better than in the men's compound. There were no female juveniles housed in the Belize Central Prison during the year.

Authorities held male juveniles, both on remand and convicted, separately in two dormitories at the Wagner Youth Facility within the prison compound. Courts had convicted a quarter of the youth of major crimes, including murder, and many were gang members.

There were no reported cases of abuse or excessive force by prison officials. There were approximately two to three major incidents of inmate-on-inmate violence per

month, including an instance where two inmates were hospitalized with serious stabbing wounds. The prison authority indicated that nearly every day there were fights requiring minor medical care, which was provided on site. There were eight deaths due to HIV/AIDS.

Administration: Prison record keeping was adequate. Various laws provide authorities the option to use alternative sentencing such as community service for nonviolent offenses, but there were no records as to how often magistrates chose to use this option. Inmates had daily access to visitors and the government did not restrict religious observance. A full-time chaplain coordinated visits by ministers from different denominations. The prison had a hall where church services took place.

The Ombudsman Act authorizes inmates to make complaints to the Ombudsman's Office through prison authorities; however, inmates and their family members tended to submit such complaints directly to the ombudsman and did so without censorship. The office received five complaints as of September 4, including allegations about solitary confinement and allowing police access to beat an inmate. The Ombudsman's Office continued to follow up with prison authorities.

Monitoring: Prison authorities permitted visits from independent human rights observers.

Improvements: After assuming responsibility for prison operations in 2002, the Kolbe Foundation began making significant improvements in security as well as conditions for inmates. The Kolbe Foundation built rehabilitation and education centers and initiated programs to reduce inmate-on-inmate violence, provide HIV/AIDS services, and furnish consistent medical care. Kolbe also overhauled training to improve security, address proper treatment of inmates, and minimize petty corruption. During the year the prison operator continued to increase staff training, distributed uniforms to prisoners and guards, and made additional progress separating members of rival gangs. Authorities also seized 10 pounds of marijuana, 182 cell phones, 15 buckets of wine, BZ\$4,692 (\$2,346) and 97 handmade weapons in the prison.

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

The Ministry of National Security supervises the BDF as well as the Belize Coast Guard and the BPD. Although primarily charged with external security, the BDF also provides domestic security support to civilian authorities. BDF soldiers frequently worked alongside police officers, particularly in Belize City. BDF personnel assisting police have limited powers of arrest and police take the lead when making arrests. Low pay for security officers and corruption remained problems. There were several cases of alleged abuse by security force personnel.

In August 2011 the government reformed the police's Internal Affairs Department by adding an Independent Complaints Commission to oversee the PSB and by expanding the complaint filing procedure. The commission is comprised of five community representatives, none of whom were police officers. A superintendant heads the PSB, supported by seven officers. It is responsible for investigating allegations made against the police. The law authorizes the police commissioner to place police personnel on suspension or interdiction. The PSB received 239 formal complaints of alleged police misconduct. During the same period, the BPD placed 51 officers on interdiction and brought criminal charges against 48 of them for a variety of criminal and disciplinary infractions.

Through August the PSB received 10 individual complaints against the BPD's Gang Suppression Unit (GSU). In response the police commissioner, GSU senior officers, and PSB officials met to discuss issues related to the use of force. The media reported several other incidents of police using excessive force, including incidents involving the GSU, at least one of which involved a complaint about excessive force and the killing of dogs.

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, except in cases subject to the new Crime Ridden Areas law (see section 1.f.). The law requires police to inform a detainee of his rights upon arrest, of the cause of detention within 48 hours of arrest, and to bring the person before a magistrate to receive official charges within a reasonable time (not later than 48 hours). In practice the BPD faced allegations that its members arbitrarily detained persons, did not take detainees to a police station in the required manner, and used detention as a means of intimidation.

The law requires police to follow the Judges' Rules, a code of conduct governing police interaction with arrested persons. Although judges sometimes dismissed cases in violation of the Judges' Rules, they more commonly deemed confessions obtained through violation of these rules to be invalid. Police usually granted detainees timely access to family members and lawyers, although there were occasional complaints that authorities denied inmates access to a telephone call after arrest.

Persons charged with minor offenses are eligible for bail, but persons charged with prescribed crimes, such as murder, gang activity, possession of an unlicensed firearm, and specified drug-trafficking or sexual offenses, must apply to the Supreme Court for bail.

Pretrial Detention: 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 six months to three years and occasionally longer. Pretrial detention for persons accused of murder was on average three years.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice. 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 an independent judiciary generally enforced these rights. A magistrate generally issues decisions and judgments for lesser crimes after deliberating on the arguments presented by the prosecution and defense.

Legislation passed in August 2011 stipulates that nonjury trials are mandatory for trials relating to murder, attempt to murder, abetment of murder, and conspiracy to commit murder. A single Supreme Court judge hears these cases. This legislation passed despite public opposition by individuals, legal practitioners, and human rights activists. During the year courts tried two cases under this new system. In March the chief justice convicted a 20-year-old of the attempted murder of a high-profile lawyer in the first trial without jury case. The accused, who was not

represented by legal counsel, was convicted largely on the victim's testimony that identified him as the gunman. The judge sentenced the accused to a 15-year sentence but allowed him to appeal the conviction. In the second case, a judge acquitted a 25-year-old of attempted murder when the victim refused to cooperate with the prosecutor on the witness stand and said he did not want to testify against the accused.

Defendants enjoy a presumption of innocence and have the right to defense by counsel, a public trial, and appeal. The court has the authority to exclude defendants from the courtroom if it determines that the opposing party has a substantiated fear for his/her safety, in which case the court can grant interim provisions that both parties be addressed individually.

A Legal Aid and Advice Center, staffed by three attorneys, can provide legal services and representation for a range of civil and criminal cases, including cases of domestic violence and criminal cases up to attempted murder. There is no requirement for defendants to have legal representation except in cases involving murder. The Supreme Court's registrar has the responsibility of appointing an attorney to act on behalf of indigent defendants charged with murder. In lesser cases, the court does not provide defendants an attorney by the court, and defendants sometimes represent themselves rather than hire an attorney. Defendants are entitled to adequate time and facilities to prepare a defense or to request an adjournment, often used by the defense as a delaying tactic. Defendants may not be compelled to testify against themselves or confess guilt. Defendants have the right to appeal their judgments to a higher court. The Caribbean Court of Justice is the country's highest appellate court.

The constitution and law allow defendants to confront and question witnesses against them and to present witnesses on their behalf. However, a 2010 law allows written statements by witnesses to be admitted into evidence in place of court appearances. Judges generally admitted a statement if it was complemented by other evidence pointing to the defendant's guilt, but the judges would sometimes hesitate to admit witness statements without the presence of the witness at the trial if it was the sole or main evidence suggesting guilt. A new law allows the prosecution to submit previous testimony as official statements in instances of hostile witnesses, rather than allowing it only as proof that the witness said something else earlier. This provision had not yet been tested in the courts. Defendants have the right to produce evidence in their defense and examine evidence held by the opposing party or the court.

Lengthy trial backlogs remained during the year, particularly for serious offenses such as murder. As of September, 82 cases of murder remained outstanding. Challenges in the system included delays in police completing their investigations, court delays in preparing depositions, and adjournments in the courts. Judges were sometimes slow to issue rulings, taking a year or longer. The rate of acquittals and cases withdrawn by the prosecution due to insufficient evidence continued to be high, particularly for murder and gang-related cases, often due to failure of witnesses to testify because of fear for life and personal safety. There have been several cases in recent years where witnesses have been killed.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens may seek civil remedies for human rights violations. The Supreme Court hears most civil suits, but 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 was significant and increased during the year.

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

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

However, in November the government invoked an existing, but never used, provision in its Crime Control and Criminal Justice Act that allows the government to declare one-square-mile zones "Crime Ridden Areas" where security officers have the authority to search buildings and individuals without search warrants or cause. Police searched more than 200 persons before it was approved by the mostly inactive Crime Control Council and published in the official *Gazette*, both of which the law requires. In December authorities expanded the law to cover an indefinite area, moved the approval requirement to the National Security Council from the more independent Crime Control Council, and expanded the length of time an area could be labeled as crime ridden.

Law enforcement agencies may, with judicial oversight, intercept communications to obtain information in the interest of “national security, public order, public morals, and public safety.” The law defines communication broadly to encompass the possible interception of communication by post, telephone, facsimile, e-mails, chat, and/or text messages whether encrypted or unencrypted or whether provided by public or private providers.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and press and the government generally respected these rights in practice. An independent press, an effective judicial system, and a functioning democratic political system combined to ensure freedom of speech and press.

Internet Freedom

There were few government restrictions on access to the Internet and no credible reports that the government monitored e-mail or Internet chat rooms without judicial oversight. The government-owned telecommunications company blocked Voice Over Internet Protocol (VOIP) services. The government estimated that 10 percent of households had Internet access.

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, with the exception of areas determined to be crime ridden (see section 1.f.).

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

The constitution provides for freedom of internal movement, 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.

Protection of Refugees

Access to Asylum: The laws provide for the granting of asylum or refugee status, but the government has not established a 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 handles individual cases but has not issued refugee permits in almost 15 years.

The Immigration Department worked with Help for Progress to determine eligibility for persons claiming refugee status or asylum. Help for Progress reduced its outreach work with immigration officials working on the border and its prison visits because of human resource constraints and budget cuts. The NGO reported an increase in asylum seekers who claimed to be victims of, or threatened by, gangs and organized crime, primarily from El Salvador and Guatemala. Help for Progress also operated a government-subsidized shelter for asylum applicants and refugees. The Immigration Department generally offers renewable special residency permits for periods of 60 to 90 days to asylum seekers with the possibility of permanent residency and citizenship after extensive stays.

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, generally free and fair elections held by secret ballot and based on universal suffrage for all citizens age 18 and older.

Elections and Political Participation

Recent Elections: On March 7, the UDP won 17 of 31 seats in the House of Representatives, giving it a parliamentary majority in generally free and fair elections, with some allegations of irregularities. The opposition People's United Party contested the results in three constituencies, while the UDP challenged one constituency won by opposition leader Francis Fonseca. The governor general installed Prime Minister Barrow and the UDP while the court considered the challenges. Between April and June, the Supreme Court upheld the election results in all four constituencies.

For the first time, an independent outside observation team from the Organization of American States (OAS) officially monitored elections, calling them "clean and efficient." In its final report, the OAS team noted that the large presence of partisan supporters outside polling stations could intimidate some voters. It also pointed out the fact that senior election officials might simultaneously serve as political incumbents threatened the neutrality of the process. The report lamented the "gender imbalance in the electoral process" in a country where "women play a significant role in the political process," but "only 4 percent of candidates in the general election were women." While there were allegations of vote buying, the OAS team did not confirm them.

Participation of Women and Minorities: There were five women in the 13-member appointed Senate and one woman in the 31-seat elected House of Representatives. Mestizo, Creole, Maya, Garifuna, Mennonite, and other minority and immigrant groups participated in the National Assembly and at high levels of government. There were two female ministers in the 21-member cabinet.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively, and officials sometimes engaged in corrupt practices. The World Bank's worldwide governance indicators reflected that corruption continued to be a problem.

In October there was one successful corruption prosecution when a judge found a prison official guilty of smuggling illegal substances into the prison and subsequently fined him BZ\$10,000 (\$5,000). During the year there were several reports of police extorting individuals for money. In March authorities fired a Belize City Council employee amid allegations that she fraudulently misappropriated council funds by issuing false overtime payments, excess salary, and salary adjustments to employees who did not receive any such monies.

For years there were widespread allegations of corruption within the Department of Immigration. In August a fugitive obtained a valid passport using the birth certificate of a deceased child. The Department of Immigration and Nationality closed its Belize City office and suspended the issuance of emergency passports until the investigation was concluded.

In December a judge instructed the jury to dismiss the case against four police officers arrested in November 2010 on drug charges due to a lack of evidence.

The Office of the Ombudsman is authorized to investigate allegations of corruption as well as other complaints. Internally, agencies use different methods to investigate misconduct by their officials. For example, the Department of Immigration and Nationality investigated complaints on an ad hoc basis. Additionally, the Office of the Auditor General is empowered to ensure government accountability of public finances. That office produces an annual report and – when called upon – special audits into government spending. It has the authority to access financial records and highlight irregularities. The ombudsman and the auditor general did not collaborate with civil society because such organizations rarely engaged on the issue of corruption.

The Prevention of Corruption in Public Life Act requires public officials to submit annual financial statements, which the Integrity Commission reviews. 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 authorities invoked this prohibition during the year. The body governing financial disclosure did not function, and no financial disclosure statements were submitted during the reporting period.

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. There was no public outreach or training relating to public access to information during the year.

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.

Government Human Rights Bodies: The ombudsman, although appointed by the government, acts as an independent check on governmental abuses. On November 30, the government announced the appointment of a new ombudsman, scheduled to take office for a three-year term starting in January 2013. The position of ombudsman had been vacant since December 2011, although the remaining two staff members continued to keep the office functional, countering resource limitations by using unpaid interns and public transportation. The Ombudsman's Office holds a range of procedural and investigative powers, including the right to enter any premise of a government entity to gather documentation and the right to summon persons. The office operated under significant staffing and financial constraints. The law requires the ombudsman to submit annual reports, but the office did not present reports for 2009, 2010, or 2011 to the government.

The Ombudsman's Office reported continuing difficulties receiving information from the BPD regarding allegations made against the BPD. The BPD's response rate to letters of inquiry from the ombudsman was approximately 15 percent. As of September 4, unpublished data from that office reported 34 complaints against the police department and its personnel, a decrease compared with 99 complaints received in 2011. The office categorized approximately 50 percent as complaints of brutality and the remainder as complaints of harassment and abuse of power.

The Human Rights Commission, an independent, volunteer-based government agency, continued to operate, but only on an ad hoc basis, 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 generally enforced these prohibitions.

Women

Rape and Domestic Violence: 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 sometimes much lighter. Generally, challenges to the wider justice system 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. In many instances the failure to proceed with a case was caused by the victim's fear for personal safety. The BPD reported 28 cases of rape and 13 arrests, compared with 27 rapes reported and 14 arrests in 2011. Underreporting of rape was likely due to perceived inefficiencies in the police and judicial systems as well as fear of further violence, retribution, and social stigma.

Domestic violence is frequently prosecuted with charges such as "harm," "wounding," "grievous harm," rape, and marital rape. Police, prosecutors, and judges recognize both physical violence and mental injury. Penalties include fines or imprisonment for violations; the level of fine or length of sentence depends 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 (support) where applicable.

The Women's Department under the Ministry of Human Development and Social Transformation continued its campaign against gender-based and domestic violence. The department used several handbooks, including women's rights, sexual violence, and domestic violence handbooks, for training and sensitization. It developed a Sexual Violence Protocol that serves to guide responses by key agencies, including the police and the Department of Human Services, in reporting and providing care to victims. The Women's Department made several public awareness presentations and offered sensitization training throughout the year. The department also continued its intervention and prevention program for men who were abusive to women. It received referrals from both the criminal and civil courts. The BPD continued to operate a toll-free domestic violence hotline.

Despite these efforts, domestic violence against women remained a significant problem, although information regarding the number of cases during the year was not available. 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. There were no transitional or medium-term shelters to assist victims' move toward independent living.

Sexual Harassment: The law provides protection against unfair dismissal, including for sexual harassment, in the workplace. The Women's Department recognizes sexual harassment as a subset of sexual violence.

Reproductive Rights: 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 information and access to family planning and reproductive health services. Skilled personnel attended 95 percent of births.

Discrimination: Despite legal provisions for gender equality, NGOs and other observers believed that women faced social and economic discrimination. The government had programs aimed at empowering women. A 2011 law provides generally for the continuity of employment and protection against unfair dismissal, including for sexual harassment in the work place, pregnancy, or HIV status. It also addresses procedures for the termination of contracts and establishes a labor complaints tribunal.

The Women's Department is responsible for programs to improve the status of women. A number of NGOs focused on women's issues also worked closely with various government ministries to promote social awareness programs relating to gender equality.

There were no legal impediments to women owning or managing land or other real property. Despite participating in all spheres of national life, women held relatively few top managerial positions. The labor commissioner verified that men traditionally earn more because they hold higher managerial positions. Women outnumbered men in university classrooms and in high school graduation rates. The law mandates equal pay for equal work and is generally respected. The labor commissioner received no complaints by women relating to unequal pay. According to a government survey in April, women accounted for 40 percent of the labor force and experienced higher rates of unemployment – 22 percent for women, compared to 9 percent for men. The same survey noted that 52 percent of women participated in the labor force, in comparison with 79 percent of men.

Children

Birth Registration: 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 within 42 days of birth. In February 2011 UNICEF partnered with relevant government agencies to achieve universal birth registration countrywide by 2015. The program continued during the year with 16,827 new birth certificates issued for children of various ages in 186 communities countrywide.

Child Abuse: There was no data available regarding the number of cases reported during the year of domestic violence and sexual abuse against children under age 14. In 2011 there were 159 cases of domestic violence against children under age 14 and 63 cases of sexual abuse against children under age 14. In many cases the government was unable to prosecute individuals for such abuse 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.

There were publicized cases of underage women being victims of sexual abuse and misconduct; in some instances after being solicited online by persons known to them. In September authorities fired the principal of Belmopan Baptist High, after it was discovered that he had sexual relations with a 16-year-old student. In another case authorities speculated that the murder of a 13-year-old girl in June occurred after a sexual predator kidnapped her. Police arrested a suspect in the case and believed he had raped her and other women. At year's end authorities detained the alleged perpetrator and placed him on trial for murder.

The Family Services Division in the Ministry of Human Development and Social Transformation is the government office with the lead responsibility for 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.

Child Marriage: The legal minimum age to marry is 18, but persons between ages 14 and 18 can marry with the consent of parents, legal guardians, or judicial

authority. According to the 2011 Multiple Indicator Cluster Survey, 15.2 percent of women between the ages of 15 and 19 were married.

Sexual Exploitation of Children: 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. Unlawful carnal knowledge of a girl who is 14 to 16 is an offense punishable by five to 10 years’ imprisonment. The prime minister’s wife, who is the country’s Special Envoy for Women and Children, publicly advocated against sexual exploitation of children.

There were anecdotal reports that children of both sexes were involved in child prostitution, including what was called the “sugar daddy” syndrome ,where older men provided money to young women and/or their families for sexual relations, as well as possible sex tourism. 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 person engaged in prostitution or of “known immoral character;” an offender is liable to five years’ imprisonment. Sex with anyone aged 16 or under is a criminal offense.

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.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There were no reports of anti-Semitic acts. There were fewer than 10 members in the Jewish community.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/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.

Informal government-organized committees for persons with disabilities were tasked with public education and enforcing protection. Private companies and NGOs provided services to persons with disabilities. The Ministry of Education maintained an educational unit offering limited special education programs within the regular school system. There were two schools and four special education centers for children with disabilities.

The special envoy for women and children continued advocacy campaigns on behalf of persons with disabilities and supported the efforts of NGO CARE-Belize to promote schools that made efforts to create inclusive environments for persons with disabilities. In June the special envoy joined with CARE-Belize to sponsor a telethon to raise funds for an “Inspiration Center” to offer basic medical care and therapies for children with special needs as well as assistance for at-risk youth.

Indigenous People

There is no separate legal system or laws covering indigenous persons, since the government maintains that it treats all citizens the same. Indigenous persons have the same legal rights as all other citizens and had no special ability to participate in decisions affecting them and their land or other resources, although a 2010 Supreme Court decision stated that the Maya community had certain authorities over some lands in the Toledo district. However, the government appealed this decision and the Court of Appeal held an initial hearing in April 2011, but had not ruled as of year’s end. Immediately following the March elections, the Maya communities rejected the prime minister’s proposal to vest a cabinet minister with the portfolio of indigenous affairs, claiming they were not consulted on the decision.

Among the country’s indigenous population, the Mopan and Q’iche historically have been 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 Council, Q’iche Council of Belize, Toledo Alcaldes Association, the Julian Cho Society, and the Tumul K’in Center of Learning, monitored development in the Toledo District with the goal of protecting Mayan land and culture. According to a representative of the Maya Leaders Alliance, the government, without

consulting the Maya community, renewed petroleum exploration concessions that included territories identified by the Supreme Court in its 2010 decision.

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. In practice this law was interpreted as including only sex between men. Additionally, the Immigration Act states that no lesbian, gay, bisexual, or transgender (LGBT) persons shall be allowed to enter the country, but immigration authorities did not enforce that law.

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

United Belize Advocacy Movement (UNIBAM), the country’s sole LGBT advocacy organization, reported that continuing harassment and insults by the general public affected its activities, but its members were reluctant to file complaints. The UNIBAM director reported two physical attacks and harassment of members of UNIBAM’s board of directors. Harassment of family members of openly LGBT persons was also reported. One attack occurred on February 8, when a well-known UNIBAM member was injured in an attack based on sexual identity. The attackers yelled antigay slurs and one man threw a beer bottle at the victim’s face, causing bruises and damage to two of his teeth. Although the UNIBAM member filed a police report, no investigations of the incident were initiated.

There were no gay pride marches organized during the year due to UNIBAM membership concerns over the public’s possible adverse reaction. UNIBAM participated in a radio discussion about LGBT issues. Its public awareness campaign also included spots broadcast on several television and radio stations.

UNIBAM and one of its members challenged the law on “carnal intercourse” as unconstitutional. In January preliminary arguments were heard and in April the court removed UNIBAM as a claimant on the grounds that organizations do not have enforceable rights. In December the Supreme Court agreed to UNIBAM being introduced as an interested party in the case. While it is a reduced legal status compared with that of a claimant, the organization is on the same legal

footing as churches. The substantive arguments of the case were scheduled for May 2013.

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. NGOs such as the Pan American Social Marketing Organization also actively countered discrimination against persons with HIV/AIDS. The law provides for protection of workers against unfair dismissal, including for HIV status.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutes, generally protects the right to establish and join trade unions, conduct legal strikes, and bargain collectively. The law also prohibits antiunion discrimination, dissolution, or suspension of unions by administrative authority. The Ministry of Labor recognizes unions and employers associations after they are registered, and the law establishes procedures for the registration and status of trade unions and employers' organizations and for collective bargaining.

The law allows authorities to prohibit strikes, terminate actions, and refer disputes involving public and private sector employees who provide "essential services" to compulsory arbitration. The national fire service, postal service, monetary and financial services, civil aviation and airport security services, and port authority pilots and security services are deemed essential services outside of the International Labor Organization definition.

Workers can file complaints with the ministry's Labor Department or seek redress from the courts, although it remained difficult to prove that terminations were due to union activity. In general labor cases were handled without lengthy delays and appeals via arbitration outside of the court system. In July the Maya King Limited case, the only prominent labor case, was resolved 11 years after the firings that prompted the case. The Caribbean Court of Justice awarded the six plaintiffs approximately BZ\$100,000 (\$50,000). Although the law provides for reinstatement for workers fired for union activity, in practice the courts provided monetary compensation as opposed to reinstatement.

Freedom of association and the right to collective bargaining were not always respected in practice. Unions were independent of government and political parties. There were no reports of government interference in union activities or of violations related to collective bargaining rights. Likewise, there were no reports that employers refused to bargain, bargained with unions not chosen by workers, or used practices to avoid hiring workers with bargaining rights. Antiunion discrimination and other forms of employer interference in union functions sometimes occurred in practice.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits forced or compulsory labor, and the government effectively enforced these provisions in some industries. However, there were anecdotal reports of forced or compulsory labor during the year, including trafficked workers in Chinese-owned grocery stores.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under age 14. Persons ages 14 to 18 may be employed only in an occupation that a labor officer has determined is “not injurious to the moral or physical development of nonadults.” 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, enforced by the Department of Labor and the National Commission for Families and Children, contains a list of hazardous occupations for young workers, although the government had not adopted the list as of the end of the year.

The law permits children to work on family farms and in family-run businesses. National legislation does not address a situation in which child labor is contracted between a parent and the employer. 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, trafficking and child slavery, commercial sexual activities, and illicit activities.

The Department of Labor has primary responsibility for implementing labor policies and enforcing labor laws but had limited dedicated resources to investigate complaints. Inspectors from the Labor and Education Departments are responsible for enforcing these regulations. The penalty for employing a child below minimum age is a fine not exceeding BZ\$20 (\$10) or imprisonment not exceeding two months. On a second offense, the law stipulates a fine not exceeding BZ\$50 (\$25) or imprisonment not exceeding four months. There was no information on whether child labor laws were well enforced. There is also a National Child Labor Committee under the National Committee for Families and Children that advocates for policies and legislation to protect children and eliminate child labor.

In November the government released the findings of its Multi Indicator Cluster Survey that incorporated quantitative data on child labor. The survey was undertaken in 2011 with the support of UNICEF and indicated that 10 percent of children between the ages of 5 to 14 were involved in child labor, but of those working, the vast majority (90 percent) also attended school. The report corroborated previous anecdotal information that child labor was more prevalent in rural (13.8 percent) than in urban areas (4.1 percent) but did not specify the economic sectors most affected. Limited evidence suggested that children in rural areas worked informally in agriculture after school, on weekends, and during vacations, harvesting bananas, citrus, sugar, and other crops, usually in the company of parents. In urban areas, some children worked on selling food, crafts, and other small items or services, usually in the company of parents.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The national minimum wage was BZ\$3.30 (\$1.65) per hour. A full-time worker receiving the minimum wage earned between one and one-half and two times the poverty-limit income, depending on the district. The law sets the workweek at no more than six days or 45 hours and requires premium payment for overtime work. Workers are entitled to two working weeks' paid annual holiday. Additionally, there are 13 days designated as public and bank holidays. Employees who work on public and bank holidays are entitled to pay at time and a half except for Good Friday and Christmas, which are paid at twice the normal rate.

Several different health and safety regulations cover numerous industries. The law, which applies to all sectors, prescribes that the employer must take

“reasonable care” for the safety of employees in the course of their employment. The 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 potable water, and sufficient and proper sanitary arrangements.

The Ministry of Labor enforced the minimum wage and health and safety regulations to varying degrees. The ministry’s Department of Labor had 25 labor officers in 10 offices throughout the country. Fines varied according to the infraction but generally were not very high. It was unclear whether penalties served as a deterrent. The 2011 Labor Act broadened the definition of unfair dismissal to protect employees and gives broader authority to labor officers to investigate issues of unfair dismissal in addition to earlier powers to ensure employer’s compliance with fair compensation. Although several cases were pending, the Labor Tribunal has not convened since it was established.

The minimum wage was generally respected in practice. Nevertheless, anecdotal evidence from NGOs and employers suggested that undocumented Central American workers, particularly young service workers and agricultural laborers, were regularly paid below the minimum wage.