

# **BELIZE 2020 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Belize is a constitutional parliamentary democracy. In the most recent national election, held on November 11, the People's United Party won 26 of 31 seats in the National Assembly. Party leader John Briceno was sworn in as prime minister on November 12.

The Ministry of National Security is responsible for oversight of police, prisons, the coast guard, and the military. The Belize Police Department is primarily responsible for internal security. The small military force primarily focuses on external security but also provides limited domestic security support to civilian authorities and has limited powers of arrest that are executed by the Belize Defence Force for land and shoreline areas and by the Coast Guard for coastal and maritime areas. Civilian authorities maintained effective control over the security forces. Members of security forces committed few abuses.

Significant human rights issues included: allegations of the use of excessive force and inhuman treatment by security officers, allegations of widespread corruption and impunity by government officials, trafficking in persons, and child labor.

In some cases the government took steps to prosecute public officials who committed abuses, both administratively and through the courts, but there were few successful prosecutions.

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

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There was a report that the government or its agents committed arbitrary or unlawful killings.

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A team from the branch of the security force responsible for a killing or other abuse investigates the allegation and then presents the findings, recommendations, and penalties to authorities.

In April, Ulysease Roca died after he was beaten by a police officer while in police custody. Police detained Roca for breaking the COVID-19 curfew regulation. In a video recorded and published by Roca, he alleged that while he was in custody, police harassed and bullied him because of his sexuality and hit him in the face. Roca's family believed the injury to his face developed an infection, and after being released, when he tried to obtain medical help, he was refused by the public health facility and subsequently died. The commissioner of police called for an investigation on the allegations of brutality, abuse of authority, and expression of homophobia by police. According to United Belize Advocacy Movement (UniBAM), the cause of Roca's death was inconclusive, but the commissioner of police stated the cause of death was a result of HIV and AIDS complications. The Belize Police Department (BPD) internally disciplined the police officer who recorded and published video of the abuse by charging him for "an act of prejudice to good order and discipline."

As of October the inquiry into the death of Allyson Major Junior had not progressed, and his family filed a civil suit against the attorney general and commissioner of police for his wrongful death. In 2019 a police officer shot and killed Major after suspecting he had purchased illegal drugs (marijuana). Corporal Kent Martinez was charged with manslaughter for the incident, and BPD officials announced they would investigate.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **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 as well as allegations of abuse by security force personnel. During the first half of the year, 55 percent of the complaints

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received by the Office of the Ombudsman were filed against the BDP for abuse of power, harassment, brutality, arbitrary search and entry, and unlawful imprisonment. The human rights ombudsman also received complaints against the Belize Central Prison for allegations of inhuman treatment, refusal to provide information to family, denial of the right to communicate, and denial of proper medical care of inmates. The Office of the Ombudsman noted that while the central prison authorities were more forthcoming to responses of allegations than in the past, the responses were mostly vague and failed to address the concerns raised.

In January a man claimed that police officers scalded him with hot water and pulled out his hair when he was picked up to be questioned about a stolen cell phone. There was no response on the part of the BPD. In April, three police officers were criminally charged for “willful oppression” after forcing a man and a woman with mental disabilities into a sexual act, recording the incident, and releasing it to the public. The three officers additionally faced internal discipline for “an act of prejudice to good order and discipline.” As of November the cases remained before the court and BPD’s Disciplinary Tribunal.

Impunity did not appear to be a significant problem in the security forces. Aggrieved persons may make a formal report to the BPD Professional Standard Branch, Belize Defence Force Adjutant Office, Belize Coast Guard Adjutant Office, or the Office of the Ombudsman. A team from the respective security forces investigates the allegations and then presents the findings, recommendations, and penalties to the commissioner of police, brigadier general, or commandant of the coast guard for action to be taken. Investigations may last from 30 days to six months.

### **Prison and Detention Center Conditions**

There continued to be reports of harsh conditions in the Belize Central Prison and police detention center due to inadequate sanitation procedures.

**Physical Conditions:** The Kolbe Foundation, a local Christian nonprofit organization, administered the country’s only prison, which held men, women, and juveniles. The government retained oversight and monitoring responsibility and

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provided funding. The human rights ombudsman stated resources were insufficient to meet what he called “minimal standards.” The prison continued to hold all prisoners convicted of crimes, despite overcrowded conditions.

In 2019 the Human Rights Commission of Belize (HRCB) inspected two detention cells in Belize City. The BPD’s intervention improved standards; however, the HRCB noted that conditions of detention centers in other parts of the country remained below standards. The HRCB reported the BPD had in some cases refused to allow access for HRCB inspectors to carry out inspections. There were no inspections after November 2019 due to the COVID-19 pandemic, even when the HRCB sought permission.

In January the Supreme Court found that negligence on the part of prison officials led to a male inmate being raped by another male inmate on two occasions in 2017. The court ordered the prison and the government to pay the victim’s court costs plus recovery of damages caused to him as a result of the incident.

Prisoners in pretrial detention and held for immigration offenses continued to be held with convicted prisoners. Officials used isolation in a small, poorly ventilated punishment cell to discipline inmates. The HRCB raised concerns that a number of immigration offenders who had completed their prison sentence remained imprisoned. Prison authorities responded that due to the closure of the borders as part of the COVID-19 mitigation measures, these individuals could not be repatriated.

**Administration:** Authorities conducted investigations of credible allegations of mistreatment.

**Independent Monitoring:** The prison administrator generally permitted visits from independent human rights observers. The HRCB donated a computer to the Belize Central Prison to facilitate communication with its clients in detention during the COVID-19 pandemic.

### **d. Arbitrary Arrest or Detention**

While the constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or

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detention in court, there were several allegations made through media and to the Police Standards Branch that the government failed to observe these requirements.

On March 18, the government instituted a 30-day state of emergency (SoE) in Belize City in response to an increase in criminal gang activity. The measure allowed the BPD and Belize Defence Force to target criminal gang elements through house raids, arrests, and imprisonment. A second SoE was instituted on July 6 and later extended to October 6. By the time the SoE expired in October, 110 persons were detained in prison awaiting trial. During the SoE there were reports that law enforcement agents used excessive force on citizens, damaged property, and unjustly targeted law-abiding citizens. Attorney Michelle Trapp requested the court initiate a judicial review questioning the failure of the government in setting up a tribunal to review the cases as required by law.

During the November 11 national elections, the government imposed a 9 p.m. curfew to limit potential exposure to COVID through the typical celebration marches by party enthusiasts. There were no reports of police using excessive force to maintain order, and persons generally followed the curfew orders throughout the country.

### **Arrest Procedures and Treatment of Detainees**

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. Police must inform detainees of their rights at the time of arrest and of the cause of their detention within 24 hours of arrest. Police must also bring a detainee before a magistrate to be charged officially within 48 hours. The BPD faced allegations that its members arbitrarily detained persons for more than 24 hours without charge, did not take detainees directly to a police station, 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 that involved violations of these rules, they more commonly deemed confessions obtained through violation of the rules to be invalid. Police usually granted detainees timely access to family members and lawyers, although there

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were reports of persons held in police detention without the right to contact family or seek legal advice.

By law a police officer in charge of a station or a magistrate's court may grant bail to persons charged with minor offenses. The Supreme Court may grant bail to those charged with more serious crimes, including murder, gang activity, possession of an unlicensed firearm, and specific drug-trafficking or sexual offenses. The Supreme Court reviews the bail application within 10 working days.

**Arbitrary Arrest:** The constitution bars arbitrary arrest, and the law specifies protections enabling the constitutional ban. According to the Professional Standards Branch, no formal report was made of officers making unlawful arrests, detentions, or searches. Three persons, however, filed complaints of arbitrary arrest and one person of unlawful detention through the Office of the Ombudsman. The cases were under investigation.

**Pretrial Detention:** Lengthy trial backlogs remained at the end of the year, particularly for serious crimes such as murder. Problems included police delays in completing investigations, lack of evidence collection, court delays in preparing depositions, and adjournments in the courts. The advent of COVID-19 led to a closure of the court system for all cases for more than two months, increasing the case backlog. Judges were typically slow to issue rulings, in some cases taking a year or longer. The time lag between arrest, trial, and conviction generally ranged from six months to four years. Pretrial detention for persons accused of murder averaged three to four years. As of September, 407 persons, representing 30 percent of the prison population, were being held in pretrial detention, a reduction from the previous year.

### **e. Denial of Fair Public Trial**

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

Due to substantial delays and a backlog of cases in the justice system, the courts did not bring some minors to trial until they reached age 18. In such cases the defendants were tried as minors.

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### **Trial Procedures**

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right, although delays in holding trials occurred.

The law stipulates that nonjury trials are mandatory in cases involving charges of murder, attempted murder, abetment of murder, and conspiracy to commit murder. Government officials stated the law protects jurors from retribution. A single Supreme Court judge hears these cases. A magistrate generally issues decisions and judgments for lesser crimes after deliberating on the arguments presented by the prosecution and defense.

Defendants enjoy a presumption of innocence, and standard procedure is for the defendant to be informed promptly of the charges against them and for them to be allowed to be present at the trial. If the defendants are under the influence of drugs or alcohol, or if there are language barriers, they are informed of the reason of arrest at the earliest possible opportunity. Defendants have the right to defense by counsel and appeal, but the prosecution may apply for the trial to proceed if a defendant skips bail or does not appear in court.

There is no requirement for defendants to have legal representation except in cases involving murder. The Supreme Court's registrar is responsible for appointing an attorney to act on behalf of indigent defendants charged with murder. In lesser cases the court does not provide defendants an attorney, and defendants sometimes represent themselves. The Legal Advice and Services Center, staffed by three attorneys, can provide legal services and representation for a range of civil and criminal cases, including domestic violence and other criminal cases up to and including attempted murder. These legal aid services were overstretched and could not reach rural areas or districts. Defendants are entitled to adequate time and facilities to prepare a defense or request an adjournment, a common delay tactic. The court provides Spanish interpreters for defendants upon request. Defendants may not be compelled to testify against themselves or confess guilt.

The law allows defendants to confront and question witnesses against them and present witnesses on their behalf. Witnesses may submit written statements into evidence in place of court appearances. Defendants have the right to produce

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evidence in their defense and examine evidence held by the opposing party or the court.

The rate of acquittals and cases withdrawn by the prosecution due to insufficient evidence continued to be high, particularly for sexual offenses, murder, and gang-related cases. These actions were often due to the failure of witnesses to testify because of fear for life and personal safety, as well as a lack of basic police investigative or forensic capability in the country.

Weaknesses of the country's justice system arise largely from lack of resources, lack of trained personnel including judges, prosecutors, and legal staff, an overburdened court docket that prioritizes murder cases, and an overburdened prison system with no capacity to accept new prisoners.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Individuals and organizations may seek civil remedies for human rights violations through domestic courts, including the Supreme Court. Litigants may appeal cases to the Caribbean Court of Justice, the region's highest appellate court. Individuals may also present petitions to the Inter-American Commission on Human Rights.

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

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties, Including**

### **a. Freedom of Expression, Including for the Press**

The law provides for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective



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judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

The press was largely independent of government influence, although most newspapers had strong editorial bents supporting positions of either the United Democratic Party or the People's United Party. The press was often critical of government officials, with no sign of repercussions.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

### **Academic Freedom and Cultural Events**

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

### **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

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### f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The Ministry of Human Development, Social Transformation, and Poverty Alleviation and the Ministry of Immigration share responsibility in handling the refugee process and in providing for their protection and needs.

**Access to Asylum:** The law provides for the granting of refugee status, and the government has established a system for providing protection to refugees. The government does not recognize a legal status of “asylum” and treats all applicants as potential refugees. The courts and executive offices use procedures for refugees to cover both refugees and asylum seekers.

The Ministry of Immigration’s Department of Refugees handles all refugee applications, investigations, and interviews. The immigration law stipulates that persons desiring legal status must apply for refugee protections within 14 days of entering the country. The department refused many applications for violating this 14-day rule. The HRCB challenged this statute in court, with the court finding that the 14-day time limit is “directory in nature” and does not preclude ruling on the merits of the application. The Department of Immigration--under the Ministry of Immigration--received applications, reviewed them for thoroughness, and recommended approval on more than 1,200 applications. The previous minister of immigration refused to grant approval on those applications. It was unclear if the minister of the new administration would act on the backlog of applications recommended for approval.

UNHCR, through its implementing partner the nongovernmental organization (NGO) Help for Progress, had a resource center near the western border that provided information to new arrivals on the refugee process. It also provided limited basic services: shelter, clothing, food, counseling, and assistance with processing legal documents. As of September Help for Progress had assisted 619 asylum seekers and refugees.

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Applications for refugee status are reviewed by the Refugee Eligibility Committee. Once the committee recommends approval to the Ministry of Immigration, the file is sent for signature and formal approval. Despite the committee's having recommended approval for 570 persons, the government has not granted refugee status to any of the pending 4,163 applicants since 2018.

**Employment:** Persons awaiting adjudication of their refugee applications were unable to work legally in the country.

**Access to Basic Services:** Refugees and asylum seekers were able to use the education system and the socialized medical system, but the government offered no assistance with housing or food except in extreme cases that involved children and pregnant women.

**Temporary Protection:** The Immigration Department issued renewable special residency permits for periods of 60 to 90 days to those who applied for refugee status within the 14-day deadline. During government shutdowns due to COVID-19, no refugees reported losing protections during periods when permits were unavailable.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

In 2019 the Belize Peace Movement initiated a legal challenge against the Elections and Boundaries Commission for failing to carry out an electoral redistricting as stipulated by law. The law states that from time to time, the commission shall divide the country into electoral divisions "in such a way that each electoral division shall have as nearly as may be an equal number of persons eligible to vote." The Belize Peace Movement contended there was a "huge disparity" in the 31 electoral districts, since for the previous elections some divisions had as many as three times the number of voters as others. The most recent redistricting was done in 2007-08. The Supreme Court dismissed the case on procedural grounds, ruling it lacked jurisdiction when the governor general dissolved parliament and called the date for new elections. In October

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representatives of the peace movement reiterated the need for electoral redistricting.

### **Elections and Political Participation**

**Recent Elections:** On November 11, an estimated 82 percent of registered voters participated in parliamentary elections. The People's United Party won 26 of 31 seats in the National Assembly. Party leader John Briceno was sworn in as prime minister on November 12. Diplomatic observers reported no overt acts of election fraud.

**Participation of Women and Members of Minority Groups:** No laws limit participation of women or members of minority groups in the political process, and they did participate. In the November 11 parliamentary elections, 12 women candidates participated with three winning their seats. Observers suggested cultural and societal constraints limited the number of women participating in government. Women remained a clear minority in government. Three women sat in the 31-member House of Representatives.

### **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 often engaged in corrupt practices with impunity. There were numerous reports of government corruption during the year.

**Corruption:** Allegations of corruption in government among public officials, including ministers, deputy ministers, and chief executive officers, were numerous, although no substantial proof was presented in most cases. In January the country's consul general in New York, Herman Longsworth, was fired after an audit of the National Sports Council revealed a number of financial infractions, one of which directly involved Longsworth. The auditor general's report stated Longsworth may have illegally used official influence in support of a scheme from which he benefited. The investigation continued as of October.

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In February minister of national security and newly elected leader of the United Democratic Party John Saldivar was forced to resign when court documents revealed that he received large sums of money from a U.S. citizen accused of defrauding the U.S. government of tax in return for political favors in Belize. Saldivar remained area representative for Belmopan and an active legislator. The commissioner of police stated the BPD would initiate an investigation into the matter and press charges, but as of October no charges had been filed.

The Senate Select Committee presented its report and recommendations on an investigation, initiated in 2017, of the Immigration and Nationality Department conducted by the Office of the Auditor General. The report confirmed the department had a pattern of improper and illegal issuances of Belizean visas, passports, and citizenship. The committee conducted public hearings in 2017 that revealed several instances where high-ranking government officials, including ministers of government, approved the issuance of visas, citizenship, and passports to unqualified individuals. As of October no charges had been filed against anyone as a result of the report.

Andre Vega, son of former deputy prime minister Gaspar Vega, refused to pay 400,000 Belize dollars (\$200,000) that the court found he unduly received from the government as compensation from a dubious land transaction in 2016. As of October the case was before the Court of Appeals for consideration.

**Financial Disclosure:** The law requires public officials to submit annual financial disclosure statements, which the Integrity Commission reviews. At the same time, the constitution allows authorities to prohibit citizens from questioning the validity of such statements. Anyone who does so outside the rigidly prescribed procedure is subject to a moderate fine, three years' imprisonment, or both. Many public officials did not submit annual financial disclosure statements and suffered no repercussions. As of July only 28 percent of government members required to declare their assets to the Integrity Commission had done so for 2019-20. In accordance with the law, a report was also sent to the director of public prosecution for further action, but as of October no actions had been taken.

Under the previous administration, the Integrity Commission was compromised by scandal, as the commission's chairperson, Nestor Vasquez, was dismissed

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following credible accusations of corruption, impunity, transfer of government assets to private ownership, and nepotism.

In July the opposition and majority of the independent senators objected to the reinstating of Deshawn Arzu-Torres as chair of the Integrity Commission for another two years. Senators raised the concern that Arzu-Torres had unsatisfactorily fulfilled her responsibilities and failed to produce reports to the National Assembly. Despite the objections, the National Assembly approved her reappointment.

In September Nestor Vasquez, CEO of state-owned Belize Telecommunications Limited (BTL), was embroiled in a corruption and embezzlement scandal moving BTL properties to his personal holdings and charging more than 800,000 Belize dollars (\$400,000) to his corporate credit card for personal uses. Vasquez also served as chairman of the Social Security Board, was a member of the anticorruption Integrity Commission, and a member of the Central Bank of Belize. The BTL board removed Vasquez, and he resigned from his government posts, although he remained under investigation by the BTL board and the Office of the Prime Minister.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

**Government Human Rights Bodies:** The ombudsman, appointed by the government, acts as an independent check on governmental abuses. The Office of the Ombudsman holds a range of procedural and investigative powers, including the right to enter any premise 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. The office does not

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have the power to investigate allegations against the judiciary. While the Office of the Ombudsman has wide investigative powers, it lacks effective enforcement authority; noncompliance by the offices being investigated severely limited its effectiveness.

The HRCB, an independent, volunteer-based NGO, continued to operate, although due to inadequate staffing and other factors, its work was limited. The commission provided human rights training for police recruits, prison officers, and the BDF. The commission collaborated with UNHCR to offer legal advice and aid to refugees and persons with irregular immigration status.

The Anti-Trafficking in Persons Council continued to address issues of trafficking. The council's chairman, Ministry of Human Development CEO Judith Alpuche, also served as the government's focal point for counter-COVID efforts, limiting the council's effectiveness in addressing issues of trafficking.

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

### Women

**Rape and Domestic Violence:** The criminal code criminalizes rape of men or women, including spousal rape. The government enforced the code. The code states that a person convicted of rape shall be sentenced to imprisonment for eight years to life, although on occasion sentences were much lighter. Problems facing the wider justice system generally resulted in poor conviction rates for rape. According to UniBAM, the majority of sexual abuse crimes continued to be against girls between the ages of 10 and 19. Public perception was that complaints may be filed without repercussion but that investigations were hampered by insufficient police officers and funding for investigations.

Rape continued to be a problem in the BDF. In January the BDF received between 50 and 70 allegations from female members of sexual assault and abuse of authority committed by senior male superiors. A female recruit reported that a senior officer on the training team sexually assaulted her and that another senior officer ignored her report of the assault. Another female recruit reported she was

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raped by a senior officer during her recruit training, which led to her becoming pregnant. The government responded by setting up an investigation and concluded that no criminal offenses were discovered during the investigation, except for one incident that qualified as inappropriate behavior by one of the instructors, who was removed immediately. A government statement further noted that persons responsible for misconduct would be dealt with internally as stipulated in the Defense Act. There were no credible indications of any form of discipline imposed.

Domestic violence is prohibited under the Domestic Violence Act, and it was generally enforced. Victims noted that the remedial procedure was lengthy but that nevertheless perpetrators were convicted. Domestic violence was often prosecuted with charges such as harm, wounding, grievous harm, rape, and marital rape, but allegations of domestic violence were treated as civil matters. Police, prosecutors, and judges recognized both physical violence and mental injury as evidence of domestic violence. Penalties include fines or imprisonment for violations. The law empowers the Family Court to issue protection orders against accused offenders.

The government directed awareness campaigns against gender-based and domestic violence, a domestic violence hotline, and shelters for victims. Major police stations had designated domestic abuse officers. Due to understaffed police stations, however, these measures were not always effective.

**Sexual Harassment:** The law provides protection from sexual harassment in the workplace, including provisions against unfair dismissal of a victim of sexual harassment in the workplace, and the government enforced the law. The Women's Department recognized sexual harassment as a subset of sexual violence, but no cases had ever been brought under the sexual harassment provisions.

**Reproductive Rights:** Couples and individuals have the right to decide the number, spacing, and timing of their children. According to a representative of the Ministry of Health and Wellness, after the birth of every child, couples and individuals were provided with counseling including methods of family planning.



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Information on reproductive health was generally available in multiple formats and media: print, electronic, and on billboards and displays.

Some NGOs stated that in socially conservative communities, women seeking tubal ligation sought the permission of the husband for cultural and religious reasons.

There were no legal barriers to access of skilled health attendance during pregnancy and childbirth, and the policy of the Ministry of Health and Wellness was to provide as much access as possible.

The government provided access to sexual and reproductive health services to survivors of sexual violence, but the government lacked a stock of rape-kits including emergency contraception.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

**Discrimination:** The law provides for the same legal status and rights for women as for men. The law also mandates equal pay for equal work, but the labor commissioner verified that men earned on average 90 Belize dollars (\$45) more per month than women did because they held higher managerial positions. There are restrictions on women working in certain industries, including mining, construction, factories, energy, water, and transportation. The law provides generally for the continuity of employment and protection against unfair dismissal, including for sexual harassment in the workplace, pregnancy, or HIV status, but it was not enforced.

Despite legal provisions for gender equality and government programs aimed at empowering women, NGOs and other observers reported women faced social and economic discrimination. Although participating in all spheres of national life and outnumbering men in university classrooms and having higher high school graduation rates, women held relatively few top managerial or government positions.

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### Children

**Birth Registration:** Citizenship is derived by birth within the country's territory, regardless of the parents' nationality. Citizenship may also be acquired by descent if at least one parent is a citizen of the country. The standard requirement is for births to be registered no later than one week after birth; registration after one month is considered late and includes a minimal fine. Failure to register does not result in any denial of public service, but it slows the process for receiving a social security card to access services such as health care. Children without birth certificates had trouble registering for school and often had to move from school to school. Government experts from the Ministry of Human Development indicated that 4 percent of children up to age five were not registered, making them legally stateless. The government's Vital Statistics Unit, with support from the embassy of Mexico, UNHCR, and UNICEF, expanded registration by introducing a mobile registration program that traveled across the country. Registration offices existed at all major hospitals, but the offices were open only during the workweek from 8 a.m. to 5 p.m.

**Child Abuse:** 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. Abuse of children occurred. There were publicized cases of underage girls being victims of sexual abuse and mistreatment, in most cases in their own home or in a relative's home.

The Family Services Division in the Ministry of Human Development is the government office with the lead responsibility for children's problems. 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 human trafficking in children, and worked with local and international NGOs and UNICEF to promote children's welfare.

In January a former police officer was found guilty of sexually assaulting an eight-year-old girl and sentenced to 12 years in prison.

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**Child, Early, and Forced Marriage:** The legal minimum age to marry is 18, but persons ages 16 to 18 may marry with the consent of parents, legal guardians, or judicial authority. According to UNICEF, 29 percent of women ages 20 to 49 were married or cohabitating before reaching age 18. Early marriage was more prevalent in certain areas--Toledo, Corozal, and Orange Walk--and among the Maya and Mestizo ethnic groups.

**Sexual Exploitation of Children:** The law establishes penalties for child trafficking, child pornography, child sexual exploitation, and indecent exhibition of a child. It defines a “child” as anyone younger than age 18. The law stipulates that the offense of child trafficking does not apply to persons exploiting 16- and 17-year-old children through exchanging sexual activity for remuneration, gifts, goods, food, or other benefits.

The legal age for consensual sex is 16, but prostitution is not legal under age 18. Sexual intercourse with a minor younger than age 14 is punishable from 12 years’ to life imprisonment. Unlawful sexual intercourse with a minor age 14-16 is punishable with five to 10 years’ imprisonment.

There were anecdotal reports that boys and girls were exploited through child trafficking, including through the “sugar daddy” arrangement whereby older men provide money to minors, their families, or both for sexual relations. Similarly, there were reports of increasing exploitation of minors, often to meet the demand of foreign sex tourists in tourist-populated areas or where there were transient and seasonal workers. The law criminalizes the procurement or attempted procurement of “a person” younger than age 18 to engage in prostitution; an offender is liable to eight years’ imprisonment. The government did not effectively enforce laws prohibiting child sex trafficking.

The law 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. See the Department of State’s *Annual Report on International Parental Child Abduction* at

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<https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

### **Anti-Semitism**

The Jewish population was small, and there were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **Persons with Disabilities**

The law does not expressly prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities, but the constitution provides for the protection of all citizens from any type of discrimination. The law does not provide for accessibility accommodations for persons with disabilities, and most public and private buildings and transportation were not accessible to them. Certain businesses and government departments had designated clerks to attend to the elderly and persons with disabilities. There were no policies to encourage hiring of persons with disabilities in the public or private sectors.

Mental health provisions and protections generally were poor. Informal government-organized committees for persons with disabilities were tasked with public education and advocating for protections against discrimination. The country does not have a reliable system for identifying persons with disabilities who need services. The Ministry of Education, Culture, Youth, and Sports maintained an educational unit offering limited and segregated education programs within the mainstream school system. Two schools and four education centers specialized in working with children with disabilities. Children with disabilities attended mainstream schools through secondary education at a significantly lower rate than other children and were placed with nondisabled peers.

The special envoy for women and children continued advocacy campaigns on behalf of persons with disabilities, especially children, and supported efforts to promote schools that took steps to create inclusive environments for them. A

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survey conducted by Rights Insight found that approximately 50 percent of respondents believed persons with disabilities were treated unfairly.

### **Indigenous People**

No separate legal system or laws cover indigenous peoples, since the government maintains that it treats all citizens the same. Employers, public and private, generally treated indigenous peoples equally with other ethnic groups for employment and other purposes.

The Maya Leaders' Alliance monitored development in the Toledo District with the goal of protecting Mayan land and culture. During the year the Maya in the southern part of the country and the government continued working on a way to implement the 2015 Caribbean Court of Justice consent order on Maya customary land tenure. In January the government approved the appointment of a mediator to hear matters and complaints from the Maya community regarding the court order.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law does not prohibit discrimination specifically against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in housing, employment, nationality laws, or access to government services such as health care, but the constitution provides for the protection of all citizens from any type of discrimination.

The Immigration Act prohibits "homosexual" persons from entering the country, but immigration authorities did not enforce the law.

In December 2019 the Court of Appeal upheld the 2016 ruling of the Supreme Court that overturned a section of the criminal code decriminalizing consensual same-sex relations between adults. The government made the appeal after pressure from the churches that disagreed with the court's interpretation of sex. As of October the government had declined to appeal the case to the Caribbean Court of Justice--the highest appellate court in the region--nor had the Council of Churches publicly called for such an appeal.

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The extent of discrimination based on sexual orientation or gender identity was difficult to ascertain due to a lack of official reporting. UniBAM stated that discrimination and assault based on these factors continued to be substantially underreported, and its director noted that in communities with strong religious affiliation, police officers often refused to take reports from victims of discrimination. According to UniBAM, LGBTI persons continued to be denied medical services and education and encountered family-based violence.

According to a study conducted by Our Circle, a local LGBTI rights advocacy group, 13 percent of respondents felt unsafe in their homes because of their sexuality, 70 percent of whom lived in the Stann Creek District. A survey conducted by Rights Insight found that 34 percent of respondents believed LGBTI persons were treated unfairly, compared to other groups.

### **HIV and AIDS Social Stigma**

There was some societal discrimination against persons with HIV and AIDS, and the government worked to combat it through public education efforts of the National AIDS Commission under the Ministry of Human Development.

The law provides for the 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 provides for the right to establish and join independent trade unions, bargain collectively, and conduct legal strikes. The Ministry of Labour, Local Government, and Rural Development (Ministry of Labour) recognizes unions and employers associations after they are registered, and the law establishes procedures for the registration and status of trade unions and employer organizations and for collective bargaining. The law also prohibits antiunion discrimination, dissolution, or suspension of unions by administrative authority and requires reinstatement of workers fired for union activity.

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The unions, under their umbrella organizations the National Trade Union Congress and the Civil Society Steering Group, are represented in the Senate by a “Labour Senator.” This senator provides labor organizations direct input into the political and legislative process.

The law allows authorities to refer disputes involving public- and private-sector employees who provide “essential services” to compulsory arbitration, prohibit strikes, and terminate actions. The postal service, monetary and financial services, civil aviation, petroleum sector, port authority personnel (stevedores and pilots), and security services are deemed essential services by local laws, beyond the International Labor Organization definition of essential services. There were no formal reports of antiunion discrimination, but there were reports workers were intimidated into either not joining a union or dropping union membership if they had joined.

In March the Christian Workers Union (CWU) threatened industrial action by stevedores operating the country’s largest seaport after the port authority refused to negotiate a redundancy package for some stevedores. With the onset of the COVID-19 crisis, the port dismissed 36 employees, including CWU members. The dismissal instigated a peaceful protest by union members, but this was met with force by the Gang Suppression Unit, which used tear gas and rubber bullets to disperse the crowd, injuring several men. The BPD initiated an investigation and removed the commanding officer of the operation after it was found that the commissioner of police had issued no order to use force. In August the Port of Belize Limited and the CWU signed a three-year collective bargaining agreement after 16 years of negotiations.

In September the University of Belize signed an agreement with the University of Belize Faculty and Staff Union. Under financial pressure from COVID-19-imposed restrictions on attendance and operations, the university administration sought to drastically reduce staffing and payment to cover shortfalls. The faculty and staff union formed as a result and was able to establish itself as negotiator on behalf of the workers.

Workers may file complaints with the Ministry of Labour or seek redress from the courts, although it remained difficult to prove that terminations were in retaliation

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to union activity. The ministry's Labour Department generally handled labor cases without lengthy delays and dealt with appeals through arbitration outside the court system. The court did not apply the law requiring reinstatement of workers fired for union activity and provided monetary compensation instead.

The government generally enforced the law in the formal sector but did not effectively enforce it in the large informal sector due to lack of registration from employers. The Labour Department was hampered by factors such as a shortage of vehicles and fuel in its efforts to monitor compliance, particularly in rural areas. There were complaints of administrative or judicial delays relating to labor complaints and disputes. Penalties were not commensurate with other violations. There were several anecdotal reports of dismissals of employees in the private sector as a result of the financial constraints instigated by the COVID-19 crisis. The Labour Department did not provide data of registered complaints.

Antiunion discrimination and other forms of employer interference in union functions sometimes occurred, and on several occasions unions threatened or carried out strikes. NGOs working in migrant communities in the informal sector asserted that in certain industries, particularly the banana, citrus, and construction sectors, employers often did not respect due process, did not pay minimum wages, and classified workers as contract and nonpermanent employees to avoid providing certain benefits. An NGO noted that both national and migrant workers continued to be denied rights.

### **b. Prohibition of Forced or Compulsory Labor**

The constitution prohibits all forms of forced or compulsory labor. Penalties for forced or compulsory labor are covered under the antitrafficking law and are not commensurate with those for similar crimes, such as kidnapping. The government did not effectively enforce the law. Resources and inspections to enforce compliance were insufficient. Forced labor of both Belizean and foreign women occurred in bars, nightclubs, and domestic service. Migrant men, women, and children were at risk for forced labor in agriculture, fishing, and the service sector, including restaurants and shops, particularly among the South Asian and Chinese communities.



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Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law does not prohibit all of the worst forms of child labor. The law sets the minimum age for employment at 14 generally, with the exception of work in wholesale or retail trade or business, for which the minimum age is 12. "Light work," which is not defined in the law, is allowed for children ages 12 and 13. Children ages 14 to 18 may be employed only in an occupation that a labor officer determines is "not injurious to the moral or physical development of nonadults." Children older than 14 are explicitly permitted to work in certain "industrial undertakings," which can include mining, manufacturing, and construction. Children younger than 16 are excluded from work in factories, and those younger than 18 are excluded from working at night or in certain kinds of employment deemed dangerous. The Labour Department used a list of dangerous occupations for young workers as guidance, but the list was not adopted as law.

The law permits children to work on family farms and in family-run businesses from the age of 10, taking into consideration the well-being of the child and continued enrollment in school. National legislation does not address a common 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, human trafficking and child slavery, commercial sexual activities, and illicit activities.

The Labour Department has primary responsibility for implementing labor policies, but it did not effectively enforce the law. Inspectors from the Labour and Education Departments are responsible for enforcing these regulations, with the bulk of the enforcement falling to truancy officers. Penalties were not criminal nor commensurate with those for similar crimes. There is also a National Child Labor Committee under the National Committee for Families and Children, a statutory interagency group that advocates for policies and legislation to protect children and eliminate child labor.

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Schooling is mandatory until age 14, and many poorer parents withdraw their children from school on their 14th birthday to put them to work in the informal sector. Children working for their parents are exempt from many of the protections provided in the formal system. Officers of the Ministry of Education are unable to act legally against parents who withdraw their child from school against their child's wishes.

Some children were vulnerable to forced labor, particularly in the informal agricultural and service sectors. Commercial sexual exploitation of children occurred (see section 6, Children). According to the most recent data available from the Statistical Institute of Belize from 2013, the country's child labor rate was 3.2 percent, with half of those children involved in hazardous work. The problem was most prevalent in rural areas. Boys accounted for 74 percent of children illegally employed, mostly engaged in hazardous activities.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

### **d. Discrimination with Respect to Employment and Occupation**

The law and regulations prohibit discrimination with respect to employment on the basis of race, sex, gender, language, HIV-positive status or other communicable diseases, or social status. The government did not effectively enforce those laws and regulations. The law does not explicitly prohibit discrimination in employment with respect to disability, sexual orientation, or gender identity. There were reports discrimination in employment and occupation occurred with respect to hiring persons with disabilities and to their access to the workspace, as well as sexual orientation of applicants. One NGO reported that members of the LGBTI community often had problems gaining and retaining employment due to discrimination in the workplace. There were no officially reported cases of discrimination at work based on ethnicity, culture, or skin color, although anecdotal evidence suggested such cases occurred. The law mandates equal pay for equal work, but women lagged behind men in wages and promotions (see section 6). There are also restrictions on women working in certain industries, including mining, construction, factories, energy, water, and transportation.

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In January, two female police officers took legal action against the BPD after they were among a group of officers who were disciplined for wearing dreadlock hairstyles, contrary to BPD regulations. Commissioner of Police Chester Williams indicated all members of the department irrespective of their status or gender should abide by BPD policies.

### **e. Acceptable Conditions of Work**

The national minimum wage was above the poverty-limit income level. 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 workweeks' 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 regulations, which apply to all sectors, provide that the employer must take "reasonable care" for the safety of employees in the course of their employment. The regulations further provide 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.

The Ministry of Labour did not consistently enforce minimum wage, hour, and health and safety regulations. Inspectors could make unannounced visits and initiate sanctions, but the number of inspectors was not sufficient to secure compliance, especially in the more remote areas. Fines varied according to the infraction but generally were not commensurate with those for similar crimes. In July the Ministry of Labour established the Labour Complaints Tribunal after a nine-year hiatus. It was unclear how many cases the tribunal heard during the year.

The minimum wage was generally respected. Nevertheless, anecdotal evidence from NGOs and employers suggested that undocumented Central American

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workers, particularly young service workers and agricultural laborers, were regularly paid below the minimum wage.

Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment. As of October no major accidents caused death or serious injury.