



Belize

Country Reports on Human Rights Practices - [2002](#)

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Belize is a parliamentary democracy with a constitution enacted in 1981 upon independence from the United Kingdom. The Prime Minister, a cabinet of ministers, and a legislative assembly govern the country. The Governor General represented Queen Elizabeth II in the largely ceremonial role of head of state. Prime Minister Said Musa's People's United Party (PUP) held 26 of the 29 seats in the House of Representatives following generally free and fair elections in 1998. The judiciary was generally independent.

The Police Department had primary responsibility for law enforcement and maintenance of order. The Belize Defence Force (BDF) was responsible for external security but, when deemed appropriate by civilian authorities, could be tasked to assist the police department. Throughout the year, armed BDF soldiers routinely accompanied police patrols in Belize City in an attempt to reduce the worsening violent crime rate. The police reported to the Minister of Budget Management, Investment, and Home Affairs, while the BDF reported to the Minister of Defence and National Emergency Management. The civilian authorities maintained effective control of the security forces. Some members of the police committed human rights abuses.

The market-based economy was primarily agricultural, although tourism has become the principal source of foreign exchange earnings; the country's population was approximately 250,000. There was a very small industrial sector, comprised of limited agribusiness, clothing, and boat manufacturing. The agricultural sector was heavily dependent upon preferential access to export markets for sugar and for bananas. In 2001 gross domestic product grew at an annual rate of 4.6 percent, and inflation was minimal. The gap between rich and poor was not a major societal concern.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Principal human rights abuses included alleged unlawful police killings, brutality and excessive use of force by some members of the police and prison guards, poor prison conditions, allegations of arbitrary arrest and detention, and lengthy pretrial detention, but the number of complaints of human rights abuse decreased from 2001. Violence and discrimination against women, abuse of children, and employer mistreatment of undocumented foreign workers also were problems. There were reports of trafficking in persons. Belize was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no political killings by the security forces; however, there were some alleged unlawful or unwarranted killings by the police.

On January 9, police found the bodies of Kirk Thompson and Edmund Velasquez floating in the Old Northern River. Thompson and Velasquez were suspected of murdering a police officer, a security guard, and a businessman, and injuring another police officer. Several members of the police told the press the two men would never be taken alive. An autopsy found no signs of gunshot or puncture wounds and determined that the two drowned with no sign of foul play. Despite the autopsy, the victims' families and others remain convinced the police killed Thompson and Velasquez.

On September 27, two forestry officials and two police officers attempted to confiscate a quantity of illegally harvested mahogany at a remote site near the Ke'kchi Maya village of Otoxha but were prevented from doing so by the arrival of 30 Maya, armed with machetes. The Maya, who had been hired to cut the timber, said that the police could not take it because they had not been paid for their work; the police said the Maya advanced on them in a threatening manner. Although the police said they fired warning shots in the air, the police shot and killed two Maya and injured three others. The Government paid compensation to the families of the Maya who were killed and convened a Commission of Inquiry to investigate. The Commission's preliminary finding was that the police acted in self-defense.

On December 30, Albert Pennil was shot to death outside a restaurant in Belize City. The next day police arrested three suspects, one of whom was police constable Kevin Alvarez. In November 2001, the authorities fired Alvarez from the police force after a number of complaints about his behavior, including his alleged involvement in a lethal shooting and a beheading, but rehired him early in the year. Alvarez was expected to appear in court in January 2003.

In the September 2001 killing of Frederick Reynolds by police constable Mervin Vernon, in August the Director of Public Prosecutions (DPP) charged Vernon with manslaughter by negligence, and a trial was expected early in 2003.

In the October 2001 death of George Michael Hyde, the Human Rights Commission of Belize (HRCB) investigated and found the police action to be justified. At year's end, the coroner's inquests into the February 2000 death of Kelvin Barrow and the March 2000 death of prisoner Cecil Ramirez had been delayed because files were destroyed in a September fire at the Magistrate's Court.

b. Disappearance

There were no reports of politically motivated disappearances.

On September 8, while on patrol, police constable Martin Castillo and two BDF soldiers (on assignment with the police) kidnaped two men in Belize City and turned them over to a suspected drug gang. Castillo and the soldiers were arrested as they were on their way to abduct a third person. The authorities charged the police constable with kidnaping but dropped all charges against the soldiers after they explained that they thought they were conducting legitimate police business.

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

The Constitution prohibits torture or other inhuman punishment; however, there were several reports that the police and prison staff used excessive force. Some of the most common complaints received by the office of the Ombudsman involved alleged misconduct and abuse by police and Department of Corrections personnel. The Ombudsman reported that the number of such reports decreased; however, a number of cases of alleged abuse featured in the press were never reported to the Ombudsman's office. The Ombudsman stated that police use of force was appropriate in the majority of cases he investigated, usually due to the complainant having resisted arrest, even if the level of force used was sometimes excessive.

The Police Department's internal affairs and discipline (IAD) section, the DPP, and the Ombudsman's office investigated allegations of abuse by officials. According to IAD, there were 322 sanctions against police officers for infractions during the year. The vast majority of these were for petty offenses, with 190 for being absent without leave. A small number of the offenses were more serious, including two convictions for using unwarranted personal violence, two for discharge of a weapon without cause, one conviction for negligent use of a firearm, and three for permitting a prisoner to escape.

An Amnesty International study found that human rights violations by police, the military, and prison guards were sporadic, but also found a general lack of systematic investigation and judicial followup when abuses were reported. In many cases, the Government ignored reports of abuses or withheld action until the case had faded from the public's attention, at which point no action was. Despite this generally poor approach, the Government did take action in a small number of cases.

On March 5, a four-person police patrol entered a store in Belize City, assaulted the owner and a customer, and stole some money, an event recorded on the store's surveillance system. The authorities arrested the four police officers and charged them with theft, conspiracy to commit theft, and two counts of common assault each.

On May 27, four inmates attempted to escape from Hattieville Prison. They were caught and brought to a room in the maximum-security section where prison officers beat them with batons and rifles, and officer Ean Daley shot each prisoner in the upper thigh. Over the next 2 days, human rights groups reported that a dozen other prisoners were severely beaten by guards. The authorities brought no criminal charges against any guard but dismissed Daley, who had been suspended in 2000 for beating and shooting a prisoner. At year's end, the Ombudsman was trying to convince the Government to bring charges against Daley.

In early December, a prisoner escaped from Hattieville Prison. He was recaptured but was injured in the process. Prison guards George Myvett and Joshua Trapp escorted the prisoner to a hospital for treatment. While at the hospital, the two guards began to beat the prisoner in front of witnesses. On December 17, the authorities fired both Myvett and Trapp from their jobs.

In April police used force to break up a peaceful protest march. Two civilians were shot, a number were beaten, and several hundred affected by teargas; several police officers were injured by thrown stones (see Section 2.b.).

Prison conditions were poor. Conditions at the country's only prison, in Hattieville, deteriorated since it opened in 1993. Although designed to house 500 inmates, it housed 917 male and 34 female prisoners, resulting in significant

overcrowding. In the remand section, 151 detainees shared 13 15- by 20-foot cells, equipped with beds for only a quarter of that number. The remand section flooded in the rain, and the detainees shared one shower in an unlit room. Health, hygiene, and nutrition were problems at the prison. The prison had a medical clinic and nurse, but its budget for medical care was 26 cents (Bz\$0.52) per prisoner per month. Prisoners often had to pay for their own treatment and medicine. The lack of a duty nurse on weekends contributed to the diabetes-related death of a prisoner on July 6. Meals were delivered to the prisoners in 5-gallon buckets on a wheelbarrow, and prisoners ate in their cells--often next to uncovered buckets used as toilets. These buckets were dumped into a ditch directly behind one cellblock, contaminating ground water and creating a breeding ground for insects.

Pretrial detainees were housed in overcrowded cells separate from convicted criminals. The prison psychiatrist provided mental health services; there was no separate facility for inmates with mental illnesses. First-time offenders were housed in the same building as those who committed capital crimes. Although the Assembly passed legislation that would reduce the number of first-time offenders sent to prison, the Government had only limited funding to support the proposed changes, such as developing community service projects to employ first-time offenders.

There were reports of physical brutality by prison wardens. Inmates claimed that guards sometimes beat troublesome prisoners and placed them in an isolation cell until their wounds healed. A common punishment was placing inmates in an unlit and unventilated punishment cell, and restricting their diet to bread and water. This cell was 8- by 10-feet, and held up to nine prisoners for as long as 1 month each. In addition, prisoners enforced their own code of conduct and attacked prisoners convicted of particularly serious crimes, such as child molestation. Incidents of gang- and drug-related violence in the prison continued. Frequent prison breaks, confiscation of weapons, and reports of beatings occurred throughout the prison's history. During the year, prison authorities confiscated a large number of deadly weapons, including machetes and makeshift guns.

The prison included a separate facility for women, located about 200 yards outside the main compound. Conditions in the women's facility were significantly better than those in the men's compound. The 34 women held there occupied 17 cells; each inmate had her own bed. The facility was clean, and inmates had access to limited educational classes and vocational classes in computers.

The Government's efforts to rehabilitate prisoners decreased during the year. Its Youth Enhancement Agency closed, and minor prisoners were then housed in a separate boot-camp style section of the main prison. Opportunities for work or skills training at the prison were extremely limited. The prison's fish farm closed shortly after it opened due to lack of funds, and inmates no longer worked at a nearby citrus farm. Approximately 10 inmates took a welding class, a handful created mosaic tiles, and a limited number of others were allowed to work outside the prison, often in construction. There was a time-off program for good behavior.

In August the Government privatized the management of Hattieville Prison. The Government's Ministry of Home Affairs retained oversight responsibility, but management was taken over by the nonprofit Kolbe Foundation, created by members of the Prison Advisory Board and the local Rotary Club. Kolbe's first acts were to streamline finances and increase professionalism among the staff; by year's end it had acquired beds for most prisoners, and had almost completed building a mess hall and improving the kitchen. Kolbe believed it could improve the prison by reducing endemic waste and corruption, and by using unpaid prison labor on infrastructure projects.

The Government permitted prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest or detention, and the Government generally observed these provisions; however, there were occasional accusations of arbitrary arrest and detention.

Police were required to obtain a search or arrest warrant issued by a magistrate in most cases. The only exceptions were in cases of hot pursuit, when there was probable cause, or if there was suspicion a firearm was present. Customs officers could search a premise with a Writ of Assistance issued by the Comptroller of Customs. The law requires the police to inform a detainee of the cause of detention within 48 hours of arrest and to bring the person before a court to be charged formally within 48 hours. In practice the authorities normally informed detainees immediately of the charges against them.

Police were required to follow "The Judges' Rules," a code of conduct governing police interaction with arrested persons. In rare instances, entire cases were thrown out when the Judges' Rules were violated. More commonly, a confession obtained through violation of these rules was deemed invalid. Detainees were usually granted timely access to family members and lawyers, although there were occasional complaints that inmates were denied access or denied a phone call after arrest. Bail was available for all cases except murder and was granted in all but the most serious cases. In cases involving narcotics, the police cannot grant bail, but a magistrate's court may do so after a full hearing. Detainees sometimes could not afford bail, and backlogs in the docket often caused considerable delays and postponement of hearings, resulting in an overcrowded prison, and at times prolonged pretrial detention (see Sections 1.c. and 1.e.).

Immigration violators ordered deported often spent months in prison while the Government decided what to do with them. In April two Cubans illegally entered Belize, falsely claiming to be U.S. citizens. They were sentenced to 3 months in prison for immigration fraud; they applied for political asylum, which was denied. Despite their prison sentences having ended in July, the pair remained in prison until December (see Section 2.d.).

The Constitution forbids exile, and it was not used.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice. In the past, judicial independence had possibly been compromised because some foreign judges had to negotiate renewal of their contracts with the Government, but judges now hold lifetime appointments (until the mandatory retirement age of 65). Only one of the four justices sitting on the Supreme Court was a citizen. There were 17 magistrates with 2 vacant positions; only 3 of the magistrates had a legal background. Every magistrate was a citizen. Most judges were members of the civil service and were routinely transferred between court and administrative postings. The few judges who were trained in law spend most of their career as a magistrate, but the majority were transferred on and off the bench. In May the Government appointed a new Director of Public Prosecutions, and for the first time, appointed him to the job for life. The DPP reported no attempt at political interference in his job. The judiciary was seen as relatively honest; one corrupt Supreme Court justice was impeached and disbarred in January.

The judiciary consists of the alcalde courts (with jurisdiction over small civil claims and minor criminal infractions), the magistrate's courts, the Supreme Court, the Court of Appeals, and a family court that handles cases of child abuse, domestic violence, and child support. Those convicted by either a magistrate's court or the Supreme Court may appeal to the Court of Appeals. In exceptional cases, including those resulting in a capital sentence, the convicted party may make a final appeal to the Privy Council in the United Kingdom. Trial by jury was mandatory in capital cases.

Persons accused of civil or criminal offenses had constitutional rights to presumption of innocence, protection against self-incrimination, defense by counsel, a public trial, and appeal. Defendants had the right to be present at their trial unless the opposing party fears for his or her safety. In such a case, the court granted interim provisions under which both parties were addressed individually during a 5-day period.

Legal counsel for indigent defendants was provided by the State only for capital crimes. In 1999 the Government appointed an attorney to the Legal Aid Center to improve and strengthen legal aid services to the public. Most defendants could not afford an attorney, and these were convicted at a much higher rate than those with legal representation. The Legal Aid Center's staff attorney handled up to 150 cases a year, leaving the majority of defendants unrepresented. The judicial system was constrained by a severe lack of trained personnel, and police officers often acted as prosecutors in the magistrate's courts. At year's end, the DPP started hiring professional, full-time prosecutors to replace the largely untrained and inexperienced police prosecutors.

The family court is at the same level as the magistrate's courts; however, trials in cases that come before the family court generally were private. The convicted party in family court may appeal to the Supreme Court.

There were lengthy trial backlogs in the judicial system. Routine cases without a defense attorney were disposed of within 1 month, but cases involving a serious crime or where there was a defense attorney took up to 1 year. The Government briefly implemented a "fast track" trial court to cut the backlog, but the new Director of Public Prosecutions discontinued this process as unconstitutional. Despite an increase in serious crimes, poor case management, lack of attorney discipline, unreliable witnesses, and several cases that had been ongoing for years, the backlog of cases was shrinking.

There were no reports of political prisoners.

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

The Constitution prohibits such practices, government authorities generally respected these prohibitions, and violators were subject to legal action. However, disputes regarding the Government's exercise of eminent domain rights arose in the past and took some time to resolve.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and the Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these provisions in practice. The Constitution also permits the authorities to make "reasonable provisions" in the interests of defense, public safety, public order, public morality, or public health. These provisions include forbidding any citizen to question the validity of the financial disclosure statements submitted by public officials. Anyone who questioned these statements orally or in writing outside a rigidly prescribed procedure was subject to a fine of up to \$2,500 (Bz\$5,000), or

imprisonment of up to 3 years, or both.

A wide range of viewpoints was presented publicly, usually without government interference, in 10 privately owned weekly newspapers, 3 of which were owned by major political parties. There were no daily newspapers. All newspapers were subject to the constraints of libel laws, but these laws had not been invoked in several years. Newspapers, especially the one owned by the opposition party, were routinely critical of the Government without fear of reprisal.

There were 11 privately owned commercial radio stations, including 1 British military station that broadcast news directly from London and other Caribbean nations. Popular radio call-in programs were lively and featured open criticism of, and comments on, government and political matters.

There were two privately owned television stations that produced local news and feature programming. There were also several cable television providers throughout the country that rebroadcast foreign stations. The Belize Broadcasting Authority regulated broadcasting and asserted its right to preview certain broadcasts, such as those with political content, and to delete any defamatory or personally libelous material from political broadcasts. While this right exists, it has not been exercised in several years.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and for freedom of association, and the Government generally respected these rights in practice. Political parties and other groups with political objectives freely held rallies and mass meetings. The organizers of public meetings must obtain a permit 36 hours in advance of the meetings; such permits were not denied for political reasons and were granted routinely in practice.

On April 24, over 200 people demonstrated against an increase of bus fares in the town of Benque Viejo del Carmen. Police attempted to disperse the crowd, with some police pushing the demonstrators, some of whom responded by throwing sticks and stones. In the ensuing violence, Corporal Thomas Flores shot and severely wounded two people at close range with an M-16 rifle, and police beat a number of people and indiscriminately fired tear gas. The tear gas affected as many as 300 persons, including 60 elementary school students in a classroom. A police investigation found several officers used excessive force, but no criminal charges were filed against the police. Several protesters were charged, but their cases were postponed indefinitely.

c. Freedom of Religion

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

For a more detailed discussion see the [2002 International Religious Freedom Report](#).

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

The Constitution provides for these rights, and the Government generally respected them in practice.

The law provides for granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Until closing its Refugee Department in 1999, the Government cooperated directly with the office of the U.N. High Commissioner for Refugees (UNHCR). Since then, the UNHCR relied upon a local nongovernmental organization (NGO) to monitor the status of asylees and to represent its interests. It was unclear how many outstanding refugee or asylum claims there were as of year's end. Of the 39 cases pending from 2001, several became Belizean residents, mostly through marriage, and others left the country. There were 18 new cases during the year. The Government has not recognized any individual as a refugee since 1997 and had no procedure in place to accept or resettle refugees.

The Government last honored the principle of first asylum in the case of four persons in 1995.

Since 1999 the Government has not accepted asylum applications, and there was no mechanism to adjudicate asylum requests, nor any legislation that formalized the asylum process. An eligibility committee was reestablished early in the year and met once to discuss procedures, but no subsequent meetings were held. In April two Cubans applied for asylum. Lacking a formal mechanism to review their claim, the case went before the Supreme Court, which denied asylum. The Government could not afford to deport the two, so they remained incarcerated at Hattieville Prison, even though they were no longer serving any sentence (see Section 1.d.). In December the Government released them and ordered them to leave the country with another group of Cubans who had been denied asylum by the Magistrate's Court. The refugees requested they not be returned to Cuba, so instead the Government allowed them to depart the country by sea, possibly in boats donated by a local businessman. None of the Cubans had valid travel documents, and their destination was unknown.

There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The country is a democracy governed by a national assembly with executive direction from a cabinet of ministers headed by Prime Minister Said Musa. The law requires national elections every 5 years. The Government changed hands in August 1998 when the PUP won 26 of 29 seats in the House of Representatives in generally free and fair elections.

All elections were held by secret ballot, and suffrage was universal for citizens 18 years of age and older. National political parties included the People's United Party, the United Democratic Party (UDP), and the National Alliance for Belizean Rights. Another political party, calling itself "We the People," was formed in 2001 and planned to field a full slate of candidates in the next election. The country's ethnic diversity was reflected in each party's membership.

No laws impeded participation of women in politics, and 82 percent of both men and women were registered to vote. There were three women in the House of Representatives; two were elected Representatives and the other was appointed to serve as Speaker of the House. There were 5 women in the 12-member appointed Senate, and another woman served as president of the Senate. There was one woman in the Cabinet, and five women were chief executive officers of ministries. The Chief Elections Officer was also a woman.

There were no laws impeding participation by indigenous persons or minority groups in politics. There were Mestizo, Creole, Maya, and Garifuna representatives in the National Assembly. Voter registration and participation were not tracked by ethnicity; however, there were no complaints or reports of electoral discrimination on the basis of ethnicity.

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

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were usually cooperative and responsive to their views. The main limitation on human rights monitoring was the limited number of NGOs in the country and their problems attracting funding.

The Human Rights Commission of Belize (HRCB), an NGO affiliated with regional human rights organizations and partly funded by the UNHCR, operated without government restriction on a wide range of issues, including migrant and agricultural workers' rights and cases of alleged police abuse. The HRCB published human rights complaints and urged police and other governmental bodies to act upon them. The HRCB gained prominence through media reports about its workshops and seminars that educate citizens about human rights.

In 1999 the Government created the position of Ombudsman to act as a check against governmental abuses. The Ombudsman stated in his third annual report that he received 334 formal complaints between April 2001 and March. While most complaints were against the Government, a number were against private entities. There were 109 complaints against the Police Department; 65 regarding the Lands Department; followed by the Department of Corrections with 25 complaints; and the Family Courts with 15 complaints. The Ombudsman received an average of five complaints of human rights violations each month, a number that decreased over the last 2 years. The Ombudsman investigated the majority of these cases and published his findings on many of them in the annual reports.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, place of origin, political opinion, color, creed, or sex. The country is multiracial and multiethnic, and discrimination was rare, although ethnic tension, particularly resentment of recently arrived Central American and Asian immigrants, continued to be a problem. The Government continued to reserve certain professions for citizens, granting permits and licenses to noncitizens only in specific cases. These occupations included fishing, souvenir manufacturing, sightseeing tours, accounting, insurance, real estate, and legal services.

Women

Domestic violence against women was a worsening problem. The Family Violence Unit of the police recorded approximately 1,000 instances of domestic violence against women during the year. Two-thirds of the reported cases were from Belize City, the country's only urban center, although the amount of violence may have been underreported in other parts of the country where persons were reluctant to discuss or report it. A shelter for battered women offered short-term housing. The Belize Organization for Women and Development, an NGO, advised women on their rights and provided counseling.

Laws prohibit rape and sexual harassment. The police and courts began to treat rape more seriously than in previous

years, but it was still not a priority. The Magistrate's Court reported five convictions for rape and one for attempted rape, with sentences ranging from 5 to 28 years. Arrests and convictions for rape were widely covered in the press. The police and courts more strongly enforced statutory rape laws, with 27 convictions. The Criminal Code prohibits marital rape.

Adult prostitution is not illegal, although the law prohibits loitering for prostitution, operating a brothel, or for a man to solicit for prostitution. The laws, which carry penalties of fines up to \$500 (Bz\$1,000) or 1 year of imprisonment, were weakly enforced. Several prominent brothels openly operated, and sex tourism increased.

Despite constitutional provisions for equality, women faced social and economic prejudice. It was harder for women to find employment, and in 1999 the female unemployment rate was 20.3 percent compared with 9 percent for men. Most employed women were concentrated in female-dominated occupations with traditionally low status and wages. Although there was no statistical support for the claim, it was believed widely that women found it more difficult than men to obtain business and agricultural financing and other resources. In recent years the proportion of women in higher education increased, and 64 percent of students at the University of Belize were women.

The Women's Department in the Ministry of Human Development, Women and Children, and Civil Society is charged with developing programs to improve the status of women. A number of officially registered women's groups worked closely with various government ministries to promote social awareness programs. There were no legal impediments to women owning or managing land or other real property. Women were active in all spheres of national life, but relatively few held top managerial positions. However, women headed the Belize Business Bureau, the Belize Citrus Growers Association, several prominent environmental NGOs, and the Belize Rotary Club. The law mandates equal pay for equal work; however, women tended to earn less than men; in 1999 the median monthly income for a working woman was \$290 (Bz\$580) compared to \$317 (Bz\$634) for a man.

Children

Education is compulsory for children between the ages of 5 and 15. After children finish their primary education, they may enter a secondary school, the government-run apprenticeship program, or a vocational institution. However, these programs had room for only about one-half of the children finishing primary school; competition for spaces in secondary school was intense. Education was nominally free, but various school, book, and uniform fees placed education out of reach for many poor children. There were also many truants and dropouts. Religious organizations administered a number of educational institutions, including a majority of primary schools and the most prestigious girls' and boys' secondary schools.

The Family Services Division in the Ministry of Human Development, Women and Children, and Civil Society was devoted primarily to children's issues. The division coordinated programs for children who were victims of domestic violence, advocated remedies in specific cases before the family court, conducted public education campaigns, investigated cases of trafficking in children (see Section 6.f.), and worked with NGOs and UNICEF to promote children's welfare. The National Committee for Families and Children included a representative from the Ministry of Human Development, Women and Children, and Civil Society.

Child abuse was not considered to be widespread or a societal problem; the Family Violence Unit recorded around 100 cases of domestic violence against children a year, nationwide. The 1998 Families and Children Act allows authorities to remove a child legally from an abusive home environment, removes the limit placed on child support that a parent must pay, and allows men to file for support, as well as women. It requires parents to maintain and support children until they reach the age of 18, compared with the previous law's mandate of support until the age of 16. The law also accepts DNA testing as legal proof of paternity and maternity. It requires that all adoptions be reported to the Human Development Department of the Ministry of Human Development, Women and Children, and Civil Society, and that prospective parents be screened before they may adopt a child. In January the Minister enacted a statutory instrument to strengthen the Families and Children Act to help prevent child abuse and aid prosecution. The National Organization for the Prevention of Child Abuse and Neglect (NOPCAN) instituted a nationwide telephone help line to encourage discourse and reduce abuse.

A practice that occurred throughout the country was that of parents selling their female children to an older man, often a friend of the family (see Section 6.f.).

Persons with Disabilities

The law does not provide specifically for accessibility for persons with disabilities or prohibit job discrimination against them. The Government's Disability Services Unit, as well as a number of NGOs, such as the Belize Association of and for Persons with Disabilities and the Belize Center for the Visually Impaired, provided assistance to such persons. Children with disabilities had access to government special education facilities, although the requirements to enter such programs were strict.

Indigenous People

Among the country's indigenous people, the Mopan and Ke'kchi were grouped under the general term Maya, although their

leaders stated that they should be identified as the Masenal, meaning "common people." The Maya sought official recognition of their communal claims to land, but the Government was reluctant to single out one ethnic group for special consideration. The Government designated 77,000 acres as 9 separate Mayan reserves; however, Mayan leaders claimed that the Maya have an ancestral claim to a total of 500,000 acres. The Maya formed cultural councils and other groups to advance their interests, sometimes with the collaboration of NGOs concerned with environmental and indigenous issues. Several Mayan organizations filed suit to force the Government to recognize the Maya's ancestral land claims and to prevent further granting of logging concessions on the disputed land. At year's end, the suit was still pending in civil court.

In 2000 the Government and the Mayan People of Southern Belize (a loose association of Mayan and nongovernmental groups) signed a collective agreement to address the grievances set forth in a petition by Mayan community leaders in 1998. The Mayan people live in the south, the poorest region of the country and the area that received the least government funding. On December 19, the Government signed an agreement with the Maya Leader's Alliance to begin implementing phase one of the 2000 agreement.

Section 6. Worker Rights

a. The Right of Association

By law and in practice, workers generally were free to establish and join trade unions. Seven independent unions, whose members constituted approximately 11 percent of the labor force, represented a cross-section of workers, including most civil service employees. The Ministry of Labor recognizes unions after they file with the Registrar's Office. Unions may organize freely, and the law requires employers to recognize unions when a critical level of membership is reached. The law empowers members to draft the bylaws and the constitutions of their unions, and they were free to elect officers from among the membership at large. Unions that chose not to hold elections may act as representatives for their membership, but the National Trade Union Congress of Belize permitted only unions that held free and annual elections of officers to join its ranks. Both law and precedent effectively protect unions against dissolution or suspension by administrative authority.

Although no unions were affiliated officially with political parties, several were sympathetic to one or the other of the two main parties (the PUP and the UDP).

The Constitution prohibits antiunion discrimination both before and after a union is registered. However, since 1989 the ILO has been drawing the Government's attention to the need to ensure that workers benefit from adequate protection against antiunion discrimination, stating that the fine of \$125 (Bz\$250) does not exert a sufficiently dissuasive effect against actions of antiunion discrimination. According to the Trade Unions and Employers Organizations Act, any worker who is a victim of antiunion discrimination can seek redress in the Supreme Court with allowable judgments of up to \$2,500 (Bz\$5,000). Some employers have been known to block union organization by terminating the employment of key union sympathizers, usually on grounds purportedly unrelated to union activities. Effective redress was extremely difficult to obtain in such situations. Technically, a worker could file a complaint with the Labor Department, but in practice it was difficult to prove that a termination was due to union activity.

Unions freely exercised the right to form federations and confederations and affiliate with international organizations.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining and unions practice it freely throughout the country. Employers and unions set wages in free negotiations, or, more commonly, employers simply established them. The Labor Commissioner or his representative acted as a mediator in deadlocked collective bargaining negotiations between labor and management, offering nonbinding counsel to both sides. Historically the Commissioner's guidance has been accepted voluntarily. However, should either union or management choose not to accept the Commissioner's decision, both were entitled to a legal hearing of the case, provided that it was linked to some provision of civil or criminal law.

The law permits unions to strike and does not require them to give notice before going on strike. However, this right was limited for public sector workers in areas designated as "essential services." Both the ILO and the International Confederation of Free Trade Unions have found the Government's definition of essential services to be overly broad and an infringement on some workers' right to strike. The Essential Services Act also empowers the Government to refer a dispute to compulsory arbitration to prohibit or terminate a strike.

There was one strike during the year. On March 12, an estimated 2,500 members of the National Teachers Union held a 1-day strike in Belmopan to protest low wages. The Government began negotiations with the union and agreed to a pay raise in late December. In the year's only other labor action, the Belize Agricultural Health Authority (BAHA) held a "work to rule" protest the last week of November. BAHA's workers were protesting management's refusal to recognize the Public Service Union as the workers' representative, the unilateral imposition of new employment conditions, and the termination of three employees. The protest ended when management agreed to enter a dialog with the union.

The Labor Code applies in the country's export processing zones (EPZs). There were no unions in the EPZs.

c. Prohibition of Forced or Bonded Labor

The Constitution and laws forbid forced, compulsory, or bonded labor, including that performed by children, and it generally was not known to occur. However, there were instances of Chinese migrants being forced to work in local (Chinese-owned) sweatshops. Members of the East Indian community also imported employees from India in effect as bonded labor, holding their passports and paying less than minimum wage. In at least one case, the employer arranged for an Indian employee to be deported when the employee asked for his salary after 2 years' work.

The ILO Committee of Experts criticized a section of the Trade Union Act that calls for the penalty of imprisonment (involving, according to prison rules, an obligation to work) for an employee of the Government, municipal authority, or any employer in charge of supplying electricity, water, railway, health, sanitary or medical services or communications who breaks a contract of service, knowing that the probable consequence will be injury, danger, or grave inconvenience to the community.

d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Act prohibits all employment of children under age 12 and prohibits employment of children between the ages of 12 and 14 before the end of school hours on official school days. However, there was a long tradition of children's employment on family farms and in family-run businesses, which the law allows. The minimum age for employment was 17 years for work near hazardous machinery. Inspectors from the Departments of Labor and Education enforced this regulation.

A January 2001 NOPCAN report stated that child labor existed in many forms in the Corozal district, with children working as shop assistants, gasoline attendants, and cane farmers. In 1999 the ILO estimated that 2 percent of children between the ages of 10 and 14 were working. In the rural regions, children worked on family plots and businesses after school, on weekends, and during vacations and were involved in the citrus, banana, and sugar industries as field workers. In urban areas, children shined shoes, sold newspapers and other small items, and worked in markets. Teenage girls, many of whom were migrants from neighboring Central American countries, worked as domestic servants, and some were rumored to work as bar maids and prostitutes. Other reported instances of violation of child labor laws were rare; one report that received wide exposure involved the employment of 16- to 18-year-olds in the Commercial Free Zone, an EPZ near the Mexican border, where the teenagers reportedly worked during school hours and for longer hours than allowed by law.

e. Acceptable Conditions of Work

The minimum wage was \$1.12 (Bz\$2.25), except in export industries, where it was \$1.00 (Bz\$2.00) per hour. For domestic workers in private households and shop assistants in stores where liquor was not consumed, the rate was raised to \$1.00 (Bz\$2.00) per hour during the year. The minimum wage law did not cover workers paid on a piecework basis. The Ministry of Labor was charged with enforcing the legal minimum wage, which generally was respected in practice. The minimum wage as sole source of income did not provide a decent standard of living for a worker and family. Most salaried workers received more than the minimum wage.

The law sets the normal workweek at no more than 6 days or 45 hours. It requires payment for overtime work, 13 public holidays, an annual vacation of 2 weeks, and sick leave for up to 16 days. An employee is eligible for severance pay provided that he was employed continuously for at least 5 years.

The exploitation of undocumented Guatemalan, Honduran, and Salvadoran workers, particularly young service workers and some agricultural workers, continued to be a problem. Health clinics in the region reported that the most frequently treated ailments were pesticide-related skin conditions. During the year, 200 families of banana farm workers were given housing off the farms. The company that buys all the country's banana exports built and donated the village of San Juan to its workers. The Government provided land for the village of Bella Vista, and the European Union provided water and electricity. Local NGOs reported that banana workers no longer lived near where pesticides are sprayed.

A patchwork of health and safety regulations covered numerous industries, and the Ministry of Labor enforced these regulations to varying degrees. Enforcement was not universal, and the ministries committed their limited inspection and investigative resources principally to urban and more accessible rural areas where labor, health, and safety complaints had been registered. Workers had the legal right to remove themselves from a dangerous workplace situation without jeopardy to continued employment.

f. Trafficking in Persons

The law prohibits certain types of trafficking in persons, and there were reports that persons were trafficked to the country. The Criminal Code does not specifically mention trafficking in persons, but outlaws procuring for sexual purposes. The Summary Jurisdiction (Offenses) Act outlaws maintenance of a brothel, living off of the earnings of prostitution, and solicitation. The maximum sentence for operating a brothel was a \$250 (Bz\$500) fine or up to 6 months in prison. The

maximum fine for living off of the earnings of prostitution was \$50 (Bz\$100) or up to 6 months in prison. Enforcement of these laws was rare. Two brothel owners were arrested during the year for employing foreign prostitutes, but they were only charged for immigration violations.

The Ministry of Human Development, Women and Children, and Civil Society, the police, and Immigration all have the authority to investigate cases of trafficking in women or children. In practice, Immigration handled most suspected cases of trafficking. On December 6, Immigration raided a number of brothels in Orange Walk and apprehended 26 female immigrants working as prostitutes--23 from Guatemala and 3 from El Salvador. Most were legal residents; only three were found to be illegally in the country and were deported. All were over 18 years of age, and none complained of coercion.

In 2001 the National Committee for Families and Children (NCFC) and UNICEF commissioned a study of sex trafficking, which concluded that many minors were involved in the sex industry and that some women and children were trafficked to Belize from other Central American countries. NCFC's report found that approximately 35 percent of those working in the sex industry were under age 18 (the Corozal region ranked the highest, with 45 percent of sex workers reportedly being minors), with the youngest girls being only 13 years old. The majority of women working in brothels were from Honduras, El Salvador, and Guatemala; many had worked in the sex industry in their home countries, but came to earn more money as a prostitute in Belize. According to this report, very few claimed to have been coerced or tricked into coming to the country.

In February International Human Rights Law Institute (IHRLI), an NGO, investigated sex trafficking in Belize and found reports of women who were lured to the country under false pretences. The IHRLI study cited two public health workers who believed that up to one-half of all prostitutes had been tricked into coming to Belize. IHRLI also found that the brothel owners kept the personal documents and passports of many of the prostitutes to keep them at the brothels. The report acknowledged that much of its information was anecdotal, from secondary sources.

An NGO representative who distributed condoms and taught HIV awareness in organized brothels reported that he had not met a single prostitute who was coerced or tricked into coming to the country. He believed most prostitutes were adults, with only an estimated 5 percent being under 18, and reported that bar owners traded the women around the country, but only with the women's consent.

The NCFC and IHRLI reports also found many instances of minors engaged in prostitution with an older man, in some case of their own volition, in others arranged by their family. These girls were typically of high-school age, but some as young as 13 were reported, and came from economically disadvantaged families. They provided sexual favors to an older man in return for clothing, jewelry, or school fees and books. In a limited number of cases where the Government attempted to prosecute the men for unlawful carnal knowledge, these efforts were usually stymied by the unwillingness of the girls' families to press charges. In some cases, at least one of which involved a 13-year-old, the family coerced the man to marry their daughter to avoid criminal charges.

There were few confirmed cases of trafficking in children for the purpose of prostitution. On May 3, police arrested Norma Patricia Moz and John Majarrez. Moz, a recent immigrant from El Salvador, had allegedly sold her 10- and 13-year-old daughters to elderly businessman Majarrez for sexual purposes. A police medical exam confirmed that both of the girls had been raped. Majarrez was charged with one count each of carnal knowledge and indecent assault and two charges of common assault. Moz was initially indicted for procuring, but those charges were dropped in December.