

BELIZE 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Belize is a constitutional parliamentary democracy. In November 2015 the United Democratic Party (UDP) won 19 of 31 seats in the House of Representatives following generally free and fair multiparty elections.

Civilian authorities maintained effective control over the security forces.

The most significant human rights issues included allegations of unlawful killings by security officers, which the authorities investigated and prosecuted; allegations of corruption by government agents; allegations that several killings were motivated by sexual orientation or gender identity; 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. While some lower-ranking officials faced disciplinary action and/or criminal charges, higher-ranking officials were less likely to face punishment, resulting in a perception of impunity.

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 were allegations that government agents committed an arbitrary or unlawful killing. In June police officers shot and killed a man in the Corozal District after he allegedly approached the officers with a machete during a routine eviction. The officers involved were not placed on interdiction (a modified suspension with lesser penalties if the case is still under investigation) despite the continuing investigation.

Three police officers in San Pedro Town were initially charged with murder after they allegedly beat a 30-year-old man to death in March while he was detained in police custody on disorderly conduct charges. In October the director of public prosecution downgraded the charges against the three officers from murder to manslaughter, and they were released on bail while awaiting trial.

In August a customs officer shot a man when he refused to hand over contraband. The suspected smuggler died days later. The customs officer was arrested, charged with manslaughter, and transferred to another police branch.

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, and there were no reports that government officials employed these practices. There were, however, reports that police, especially the Gang Suppression Unit, used excessive force, and there were other allegations of abuse by security force personnel.

The Ombudsman's Office received 32 new complaints of police overreach in the first six months of the year. The most common complaint was police abuse. The Office of the Ombudsman also noted an increase in complaints against the Immigration and Nationality Department.

In April, two women and two men claimed police brutality while being detained in San Pedro Town. According to reports, police detained two women on the street using excessive force. Civilians gathered and demanded the police minimize the use of force; police physically attacked a bystander recording the event as well as his brother. One of the men was shot in the legs when police fired warning shots into the air and the ground. The Belize Police Department (BPD) investigated the matter, and the two officers were criminally charged for "wounding."

In November, two women, a Belizean and a Salvadoran, accused three police officers of raping them in a Belize City police station after they were removed from a transit bus to be searched for drugs. The police officers remained on active duty as the investigation proceeded.

Prison and Detention Center Conditions

Physical Conditions: There were no reports of prison or detention center conditions that raised major human rights concerns, although prisoners in pretrial detention are not separated from convicted prisoners. Officials used isolation in a small, unlit, unventilated punishment cell, called a "reflection room," to discipline

inmates. Conditions in the women's area were significantly better than in the men's compound.

There were no reported cases of prison officers abusing their power. Between January and September, prison authorities investigated four cases of inmate-on-inmate assault involving "gross violence." Because inmates were generally not willing to press criminal charges against their attackers, the prison's internal tribunal system handled all cases. Penalties included temporary segregation or temporary suspension of privileges, depending on the severity of the assault.

Administration: The Kolbe Foundation, a local Christian nonprofit organization, administered the country's only central prison, which houses men, women, and juveniles. The government retained oversight and monitoring responsibility.

The law authorizes inmates to complain to the Ombudsman's Office through prison authorities, but inmates (and sometimes their family members) continued to make complaints directly to the ombudsman, who could not fully investigate complaints because of lack of resources and access to the prisoners. The prison administrator's chief of security initially investigates allegations of mistreatment. If the investigation discovers incriminating evidence, the accused officer is disciplined. If there is evidence of officer corruption, the investigation is passed to the administrator's intelligence officer, who further investigates the matter.

Independent Monitoring: The prison administrator permitted visits from independent human rights observers. While the prison generally operated free from government interference, the Ministry of Home Affairs monitored it on site through the Office of Controller of Prisons.

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/her arrest or detention in court, there were several allegations made through the media and to the police Professional Standards Branch (PSB) that the government failed to observe these requirements. In addition, 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 18 years. In such cases the defendants were tried as minors.

Role of the Police and Security Apparatus

The police are responsible for internal security. The Ministry of Home Affairs is responsible for oversight of police and prisons, and the Ministry of Defense is responsible for the military. Although primarily charged with external security, the Ministry of Defense also provides limited domestic security support to civilian authorities and has limited powers of arrest that are executed by its Belize Defense Force (BDF) for land and littoral areas and the Belize Coast Guard for coastal and maritime areas.

There were reports of impunity involving the security forces, including reports of police brutality and corruption (primarily extortion cases). The government often ignored reports of police abuse, delayed action, failed to take disciplinary action, or transferred accused officers to other areas within their department.

The PSB investigates complaints against police. The law authorizes the police commissioner to place police personnel on suspension or interdiction. As of October the PSB received 59 formal complaints of police brutality. The PSB reported 44 officers were on interdiction or on suspension. Additionally, authorities use police investigations, coroner inquests, and the Public Prosecutions Office to evaluate allegations against police. While police officers are under investigation, they remain on active duty.

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 48 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 beyond 48 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 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 can 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.

Pretrial Detention: Lengthy trial backlogs remained, particularly for serious crimes such as murder. As of September 27, there were 491 prisoners on remand at the Belize Central Prison. Problems included police delays in completing investigations, lack of evidence collection, court delays in preparing depositions, and adjournments in the courts.

Judges occasionally were 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 and in some cases up to seven years. Pretrial detention for persons accused of murder averaged three to four years.

The Bar Association of Belize publicly insisted that the chief justice deliver judgments on 30 outstanding civil cases from 2012 to 2015 by the end of the year or tender his resignation. In response, the chief justice began delivering judgments on the pending cases on a strict timeline (at least two each for 15 weeks). In addition the Supreme Court temporarily hired an additional judge for five years to assist with the backlog of cases. In September the Supreme Court swore-in 39 new court arbitrators to assist in judgment for the backlog of cases.

e. Denial of Fair Public Trial

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

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 that this 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 and to be present at the trial. If the defendant is under the influence of drugs or alcohol, or there are language barriers, he/she is informed of the reason of arrest at the earliest possible opportunity. Defendants have the right to defense by counsel and appeal, but the prosecution can 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 represented 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 attempted murder. These legal aid services are overstretched and cannot 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 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 forensic capability in the country.

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 country's highest appellate court. Individuals can also present petitions to the Inter-American Commission on Human Rights.

Property Restitution

In 2015 and 2016, the government agreed to compensation packages with Belize Telemedia Limited (BTL) and Belize Electricity Limited related to the nationalization of both companies in 2009 and 2011, respectively. The government continued to make payments to the former owner of BTL. In November the Caribbean Court of Justice ruled that the final payment of US \$78 million should be made to the previous owners of the company by November 10. The government paid by the deadline.

f. Arbitrary 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 these rights. An independent press, an effective judicial system, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Violence and Harassment: In May the sergeant of arms for the National Assembly physically assaulted two members of the press and threatened another, who was covering a protest in the Senate. The government did not immediately censure him, but he was eventually suspended from attending subsequent sessions.

In September a female journalist was physically assaulted by an officer attached to the Special Patrol Unit of the Police while she was covering a political event in Orange Walk. She subsequently made a formal complaint to the PSB. The

minister of state of home affairs responded to the incident by stating, “The police department has a job to do and in that situation we have always asked the media to stay a distance away from the situation.”

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. According to local marketing firm, Idea Labs Ltd., 45 percent of the population had internet access as of June 2016.

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 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.

The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern. Although the government committed to provide protection and assistance to refugees, asylum seekers, persons at risk of becoming stateless, or other persons of concern under the UN Convention on the Status of Refugees, the Belize Refugees Act, and the UN Convention for Statelessness, the government has yet to approve any refugee or asylum applications.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The government does not distinguish between refugees and asylum seekers, as the law itself does not reference asylum seekers--only refugees and recognized refugees. As of September, 3,019 persons (1,754 men and 1,265 women) had requested refugee status. The government has not granted refugee status to any applicant since the early 1990s. The nongovernmental organization (NGO) Help for Progress, UNHCR's implementing partner in the country, continued to assist by providing limited basic services, including shelter, clothing, and food to refugees and asylum seekers.

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

Access to Basic Services: Refugees 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.

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.

Elections and Political Participation

Recent Elections: In 2015 the UDP won 19 seats in the 31-seat National Assembly, equaling the majority with which it entered the election. The Organization of American States observation team reported generally free and fair elections.

Participation of Women and Minorities: No laws limit participation of women and/or members of minorities in the political process, and they did participate. Observers suggested cultural and societal constraints limited the number of women

participating in government. Women remained a clear minority in government. Two of 31 members of the House of Representatives and three of 13 senators were women. Although both major parties declared they took steps to increase female participation, neither adopted party policies that would ensure a percentage of their candidates are women. One of the parties put forward a female candidate for the 2018 mayoral elections.

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, chief executive officers, and deputy ministers, were numerous, although no substantial proof was presented in most cases. Investigations into corruption within the Immigration and Nationality Department in the 2011-13 period continued and uncovered several instances of questionable activities involving high-ranking government officials, including ministers of government.

Although the Ombudsman's Office reported fewer official complaints than in previous years, citizens continued to allege corruption against the Lands and Surveys Department in the Ministry of Natural Resources for illegally distributing lands to party associates. Despite accusations of political cronyism, the government insisted that it maintained transparency in the distribution of land.

During the year media reported that several land documents indicated questionable transactions in the Lands and Surveys Department. In August the press revealed a transaction believed to be a land hustle involving members of the former deputy prime minister's family. According to documents, during his tenure the department issued land titles to individuals for well below market value, although the parcels were already privately owned. The individuals then sold the parcels of land to close relatives of the former deputy prime minister at still-reduced prices. As of October the BPD had not started a criminal investigation because the complainant had yet to make a formal report to the authorities. This was not the first allegation of its kind.

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 a rigidly prescribed procedure is subject to a fine of up to 5,000 Belize dollars (\$2,500), three years imprisonment, or both. Many public officials did not submit annual financial disclosure statements and suffered no repercussions. In September the Integrity Commission informed 10 members of the National Assembly and 60 members of local governments of their failure to declare their financial affairs in 2016. The commission informed the press that it had submitted the list of names to the Office of the Director of Public Prosecution.

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, although 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, although an investigator was added in July to assist with cases. The law requires the ombudsman to submit annual reports, and the office wrote a mid-year report to address problem trends. The office does not have the power to investigate allegations against the judiciary. While the Ombudsman's Office technically has wide investigative powers, noncompliance from the offices it investigates severely limited its effectiveness.

The Human Rights Commission, an independent, volunteer-based government agency, continued to operate, but only on an ad-hoc basis due to funding and staffing limitations. The commission provided human rights training for police recruits, prison officers, and the BDF.

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 code states that a person convicted of rape shall be sentenced to imprisonment for eight years to life, although sentences were sometimes much lighter. Challenges to the wider justice system generally resulted in poor conviction rates for rape.

Domestic violence was often prosecuted with charges such as harm, wounding, grievous harm, rape, and marital rape, but charges were treated as civil matters. Police, prosecutors, and judges recognized both physical violence and mental injury. Penalties include fines or imprisonment for violations. The law empowers the Family Court to issue protection orders against accused offenders.

According to data provided by a government ministry in 2016, there were 731 cases of domestic violence filed by women and 123 by men; 460 followed through with court action. The government ran awareness campaigns against gender-based and domestic violence, a domestic violence hotline, and shelters, and major police stations had designated domestic abuse officers, although 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. The Women's Department recognizes sexual harassment as a subset of sexual violence, but no cases have ever been brought under the sexual harassment protections.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

There were reports of Mayan women receiving involuntary caesarian sections to discourage large families. There were uncorroborated anecdotes of Mayan women being sterilized unnecessarily because of irregularities found during annual checkups.

For additional information on maternal mortality and other health issues, see the see the World Health Organization website at www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

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. 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.

The BDF and Belize Coast Guard maintain a 5 percent and 10 percent limit, respectively, on the number of female service members allowed to serve. Despite legal provisions for gender equality and government programs aimed at empowering women, NGOs and other observers reported that women faced social and economic discrimination. Although participating in all spheres of national life and outnumbering men in university classrooms and high school graduation rates, women held relatively few top managerial or government positions.

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 provision is for births to be registered no later than a week after birth; registration after a 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 and therefore accessing health care.

Education: Primary education is free, and education is compulsory between the ages of six and 14; however, primary schools may incorporate other fees, and parents may be required to pay for textbooks, uniforms, and meals.

Child Abuse: Abuse of children occurred, and as of December 2016 (the most recent date for which statistics were available), 1,407 cases were reported to authorities of which 78 cases were considered either trafficking or cases of unaccompanied minors.

In June, two 13-year-old primary school girls reported to police (in the company of their parents) that the principal of their school had sexually assaulted them. Police arrested and charged the principal. The investigation continued at year's end.

The law allows authorities to remove a child from an abusive home environment and requires parents to maintain and support children until the age of 18. There were publicized cases of underage 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 trafficking in children, and worked with local and international NGOs and UNICEF to promote children's welfare.

Early and Forced Marriage: The legal minimum age to marry is 18, but persons between ages 16 and 18 may marry with the consent of parents, legal guardians, or judicial authority. According to UNICEF, 26 percent of women ages 20 to 24 were married or cohabitating before age 18. The government did not undertake any prevention or mitigation efforts to reduce the rate of early marriage.

Sexual Exploitation of Children: The law establishes penalties for child prostitution, child pornography, child sexual exploitation, and indecent exhibition of a child. It defines a "child" as anyone under age 18. The law stipulates that the offense of child prostitution does not apply to persons exploiting 16- and 17-year-old children in sexual activity in exchange for remuneration, gifts, goods, food, or other benefits.

The legal age for consensual sex is 16, but prostitution is not legal under 18. Sexual intercourse with a girl under age 14 is an offense punishable by 12 years' to life imprisonment. Unlawful sexual intercourse with a girl ages 14-16 is an offense punishable by five to 10 years' imprisonment.

There were anecdotal reports that boys and girls were exploited in child prostitution, including the "sugar daddy" syndrome whereby older men provided money to young women and/or their families 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" under 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 travel.state.gov/content/childabduction/en/legal/compliance.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 www.state.gov/j/tip/rls/tiprpt/.

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 Ministry of Education, Culture, Youth, and Sports maintained an educational unit offering limited special education programs within the regular school system. There were two schools and four special education centers for children with disabilities.

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

Indigenous People

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

The Maya Leaders' Alliance, composed of the Toledo Maya Council, Q'uche Council of Belize, Toledo Alcaldes Association, Julian Cho Society, and Tumul K'in Center of Learning, monitored development in the Toledo District with the goal of protecting Mayan land and culture. While the government noted the need to respect and consult the Mayan communities when issuing oil exploration licenses in the south, the alliance believed it was not properly consulted before decisions were made.

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

In 2016 the Supreme Court struck down the interpretation of Section 53 of the criminal code, which criminalized sexual acts "against the order of nature." The government partially appealed the ruling in September, conceding the decriminalization of homosexuality but questioning a section of the decision that made "sexual orientation" a protected class. The Roman Catholic Church appealed the entire ruling in September. The Court of Appeals had not heard the case as of November.

The Immigration Act prohibits homosexual persons from entering the country, but immigration authorities did not enforce the law. A Venezuelan man intending to visit a Belizean man was harassed by immigration officers, and eventually denied entry and returned to Venezuela, allegedly due to a lack of travel funds.

The extent of discrimination based on sexual orientation or gender identity was difficult to ascertain due to a lack of official reporting. The NGO United Belize Advocacy Movement (UniBAM) registered four killings or attempted killings based on sexual orientation and gender identity from January to September.

According to UniBAM, lesbian, gay bisexual, transgender, and intersex (LGBTI) persons were denied medical services and education and encountered family-based violence.

HIV and AIDS Social Stigma

There was some societal discrimination against persons with HIV/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 protection of workers against unfair dismissal, including for HIV status. The government provided free antiretroviral medication and other medical services to persons with HIV registered in the public health system; however, the government sometimes had insufficient supplies of medication.

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 law also prohibits antiunion discrimination, dissolution, or suspension of unions by administrative authority. It requires reinstatement of workers fired for union activity. The Ministry of Labor, Local Government, and Rural Development (Ministry of Labor) recognizes unions and employers associations after they are registered, and the law establishes procedures for the registration and status of trade unions and employers organizations and for collective bargaining.

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

Workers can file complaints with the Ministry of Labor or seek redress from the courts, although it remained difficult to prove that terminations were due to union activity. The department generally handled labor cases without lengthy delays and dealt with appeals via arbitration outside of the court system. The court did not

apply the law requiring reinstatement of workers fired for union activity and provided monetary compensation instead.

There was a lack of resources to carry out the mandate of the ministry's Labor Department, including a shortage of vehicles and fuel to ensure compliance, particularly in rural areas. There were complaints of administrative or judicial delays relating to labor complaints and disputes. Information on penalties for violations of freedom of association or collective bargaining was unavailable.

The government and employers did not always effectively enforce the law. Antiunion discrimination and other forms of employer interference in union functions sometimes occurred, and on several occasions, unions threatened or carried out strikes. Authorities threatened not to pay teachers on the days they strike and to pass a law allowing the government to hire temporary teachers to replace those on strike. At least one NGO continued to petition the Inter-American Commission on Human Rights to highlight, among other things, concerns with employers' measures that do not allow migrant workers to unionize and that require migrants to submit to HIV tests in certain industries. The NGO asserted that in certain industries, particularly banana, citrus, and construction, 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 were denied rights and that the Labor Department was inadequately staffed and under resourced.

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 carry prison sentences of one to eight years for adult victims and one to 12 years for child victims, which were comparable to penalties for other major offenses and sufficient to deter violations, although the government did not enforce this law. Resources and inspections to deter violations were limited. The government did not identify any forced labor victims during the year.

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 in the service sector, including restaurants and shops, particularly among the South Asian and Chinese communities.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The law sets the minimum age for employment at 12 years old generally, with the exception of work in wholesale or retail trade or business, for which the minimum age is 14. "Light work," which is not defined in the law, is allowed for children ages 12 to 13. Children ages 14 to 18 may be employed only in an occupation that a labor officer has determined is "not injurious to the moral or physical development of nonadults." Children over age 14 are explicitly permitted to work in "industrial undertakings"--activities that include mining, manufacturing, and construction. Children under age 16 are excluded from work in factories, and those under age 18 are excluded from working at night or in certain kinds of employment deemed dangerous. The Labor Department used a list of dangerous occupations for young workers as guidance, but the list has not been adopted as law.

The law permits children to work on family farms and in family-run businesses. National legislation does not address a situation in which child labor is contracted between a parent and the employer. The National Child Labor Policy distinguishes between children engaged in work that is beneficial to their development and those engaged in the worst forms of child labor. The policy identifies children involved in the worst forms of child labor as those engaged in hazardous work, trafficking and child slavery, commercial sexual activities, and illicit activities.

The Labor Department has primary responsibility for implementing labor policies and enforcing labor laws, but it had limited dedicated resources to investigate complaints. Inspectors from the Labor and Education Departments are responsible for enforcing these regulations, with the bulk of the enforcement falling to truancy officers. The penalty for employing a child below minimum age is a fine not exceeding \$20 Belize dollars (\$10) or imprisonment not exceeding two months. On a second offense, the law stipulates a fine not exceeding \$50 Belize dollars (\$25) or imprisonment not exceeding four months. There was not enough information provided to determine if the penalties, remediation, and inspections were sufficient to deter violations. There was no information on whether child labor laws were well enforced. There is also a National Child Labor Committee under the National Committee for Families and Children, a statutory interagency group that advocates for policies and legislation to protect children and eliminate child labor.

Some children were vulnerable to forced labor, particularly in the 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, the country's child labor rate was 3.7 percent, with the problem most prevalent in rural areas. Boys accounted for 74 percent of children illegally employed.

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

d. Discrimination with Respect to Employment and Occupation

The law and regulations prohibit discrimination 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, and/or gender identity. There were reports that discrimination in employment and occupation occurred with respect to sexual orientation. 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 that such cases occurred.

e. Acceptable Conditions of Work

The national minimum wage was \$3.30 Belize dollars (\$1.65) per hour. A full-time worker receiving the minimum wage earned between 1.5 to two times the poverty limit income, depending on the district. The law sets the workweek at no more than six days or 45 hours and requires premium payment for overtime work. Workers are entitled to two 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 law, which applies to all sectors, prescribes that the employer must take "reasonable care" for the safety of employees in the course of their employment. The law further states that every employer who provides or arranges

accommodation for workers to reside at or in the vicinity of a place of employment shall provide and maintain sufficient and hygienic housing accommodations, a sufficient supply of wholesome water, and sufficient and proper sanitary arrangements.

The Ministry of Labor did not always effectively enforce minimum wage and health and safety regulations. The ministry's Labor Department had 25 labor officers in 10 offices throughout the country. Inspections were not sufficient to secure compliance, especially in the more remote areas. Fines varied according to the infraction but generally were not very high and thus not sufficient to deter violations. Several cases were pending. In January a labor tribunal was established.

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

While no known reports were made to the Labor Department, several individuals alleged in the media that employers in certain industries often did not respect due process, did not pay minimum wages, and classified workers as contract and nonpermanent employees to avoid certain benefits.

There were no officially reported complaints of major industrial factory fires or mine disasters. It was unclear whether workers could remove themselves from situations that endangered health or safety without jeopardy to their employment or whether authorities effectively protected employees in this situation.