

# **BELIZE**

## **EXECUTIVE SUMMARY**

Belize is a constitutional parliamentary democracy. In February 2008 Prime Minister Dean Barrow's United Democratic Party (UDP) won 25 of the 31 seats in the House of Representatives following generally free and fair multiparty elections. There were instances in which elements of the security forces acted independently of civilian control.

The most important human rights abuse documented during the year was the use of excessive force by security forces.

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

In some cases the government took steps to prosecute officials who committed abuses, both administratively and through the courts, but successful prosecutions generally were limited in number and tended to involve less severe infractions.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

The government or its agents did not commit any politically motivated killings. In contrast with 2010, there were no reports or allegations that security forces committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

The constitution prohibits torture or other inhuman punishment, but there were reports that police used excessive force.

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

During the year the Belize Police Department's (BPD) Professional Standards Branch received 238 formal complaints of alleged police misconduct. During the same period, the BPD held 14 officers on interdiction (suspension with half salary) and one on suspension (with salary). The 14 officers on interdiction were alleged to have committed a combination of criminal and disciplinary charges. The ombudsman reported receiving 99 complaints against the police department and its personnel, of which 39 percent were categorized as complaints for brutality, 18 percent as complaints of harassment, and 17 percent as complaints for abuse of power.

The ombudsman had difficulties receiving information from the BPD regarding allegations made against the BPD. The ombudsman often encountered resistance from the police when trying to obtain medical legal forms describing injuries of those detained. The BPD's response rate to letters of inquiry from the ombudsman was approximately 35 percent, according to the ombudsman. The BPD explained that if petitioners did not file their complaints with the BPD Professional Standards Branch, the matter would not be investigated.

On August 29, the BPD's Gang Suppression Unit reportedly used excessive force after the funeral of a murder victim who allegedly had gang member associates. The media reported that bystanders were injured and that police used pepper spray, rubber bullets, and a baseball bat. The media reported several other incidents of police using excessive force, including incidents involving the suppression unit.

At year's end the case of a Belize City Police inspector, charged with attempted murder and dangerous harm in an April 2010 shooting that left a person partially paralyzed, was pending in the Supreme Court. The civil suit filed by the victim against the BPD also was pending.

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

Despite improvements over the last several years, prison conditions did not meet all international standards. Belize Central Prison, the country's only prison, was administered by a local nonprofit organization, but the government retained overall oversight and monitoring responsibility for management of the prison.

In October the prison held a total of 1,391 inmates, of whom 38 were women, 60 juveniles, and 450 on remand. Prison capacity is approximately 1,750.

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

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

Male juveniles, both on remand and convicted, were held separately in a dormitory at the Wagner Youth Facility within the prison compound. Some were convicted of murder, and many were gang members.

There were no reported cases of abuse or excessive force by prison officials. Through October there were approximately 100 incidents of inmate-on-inmate violence ranging from minor fights to serious assaults.

Inmates had daily access to visitors, and the government did not restrict religious observance. A full-time chaplain coordinated visits by ministers from different denominations. The prison had a hall where church services took place.

The Ombudsman Act authorizes inmates to make complaints to the Ombudsman’s Office through prison authorities; however, inmates and their family members tended to submit such complaints directly to the ombudsman and did so without censorship. The ombudsman visited the prison in October. Prison authorities also permitted independent visits from independent human rights observers.

After assuming prison operations in 2002, the Kolbe Foundation began making significant improvements in security as well as conditions for inmates. The Kolbe Foundation built rehabilitation and education centers, initiated a program to separate members of rival gangs to reduce inmate-on-inmate violence, and overhauled training to improve security, address proper treatment of inmates, and minimize petty corruption. During the year the prison operator continued to

increase staff training, improved the perimeter fence for better security, improved its program to confiscate prohibited items such as mobile phones and marijuana, and made progress separating members of rival gangs. According to prison officials, the prison experienced a record low of two escaped prisoners. Also during the year, prison authorities seized 20 pounds of marijuana, 140 cell phones, and 200 handmade weapons in the prison.

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

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

#### **Role of the Police and Security Apparatus**

The Ministry of Defense and Immigration supervises the Belize Defense Force (BDF) as well as the Immigration Department. The Ministry of Police and Public Security supervises the BPD. Although primarily charged with external security, the BDF also provides domestic security support to civilian authorities. BDF soldiers frequently worked alongside police officers, particularly in Belize City. BDF personnel assisting police have limited powers of arrest; police take the lead when making arrests. Low pay for security officers and corruption remained problems. There were no reported cases of impunity for security force members for major crimes.

In August the government reformed the police's Internal Affairs Department by adding an Independent Complaints Commission to oversee the Professional Standards Branch (PSB) and expanding the complaint filing procedure. The commission is comprised of five community representatives, none of whom are police officers. The PSB is headed by a superintendent of police, supported by seven officers. It is responsible for investigating allegations made against the police. Previously the public filed complaints directly with the PSB, which has an office in Belize City and another in Belmopan; with the change complainants could go to the PSB or directly to any local police station.

#### **Arrest Procedures and Treatment While in Detention**

Police must obtain search or arrest warrants issued by a magistrate, except in cases of hot pursuit, when there is probable cause, or when the presence of a firearm is suspected. The law requires police to inform a detainee in writing of the cause of detention within 48 hours of arrest and bring the person before a magistrate to

receive official charges within a reasonable time (normally 24 hours). In practice the BPD faced allegations that its members arbitrarily detained persons, did not take detainees to a police station in the required manner, and used detention as a means of intimidation. During the year the government proposed draft legislation that would allow for preventive detention but withdrew it after public opposition.

In August Glenn Tillett accused the BPD of wrongfully detaining him in connection with a robbery allegedly committed by a relative of Tillett at a foreign embassy in Belmopan. Tillett reported that police took him from his home, detained him for a prolonged period, and denied him needed medical attention before releasing him without charge.

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

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

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

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

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice. Persons have the right to bring legal actions for alleged violations of rights protected under the constitution, regardless of whether there is also implementing legislation.

#### **Trial Procedures**

The law provides for all citizens the right to a fair trial, and an independent judiciary generally enforced these rights. Decisions and judgments for lesser

crimes are generally issued by a magistrate after deliberating on the arguments presented by the prosecution and defense.

Legislation passed in August stipulates that nonjury trials are mandatory for trials relating to murder, attempt to murder, abetment of murder, and conspiracy to commit murder. These cases are to be tried before a Supreme Court judge sitting alone. The legislation was passed despite public opposition by individuals, legal practitioners, and human rights activists. It was scheduled to enter into effect in 2012.

Defendants enjoy a presumption of innocence and have the right to defense by counsel, a public trial, and appeal. Defendants also have the right to be present at their trial unless the court determines that the opposing party has a substantiated fear for his/her safety, in which case the court can grant interim provisions that both parties be addressed individually.

A Legal Aid and Advice Center, staffed by one attorney, provides legal services in civil and minor criminal cases in various courts including the magistrate courts, Family Court, and Supreme Court. The Supreme Court's registrar has the responsibility of appointing an attorney to act on behalf of indigent defendants charged with murder.

The constitution and law allow defendants to confront and question witnesses against them and to present witnesses on their behalf. Defendants have the right to produce evidence in their defense and examine evidence held by the opposing party or the court.

Lengthy trial backlogs remained during the year. Judges often were slow to issue rulings, sometimes taking a year or longer. The rate of acquittals and cases withdrawn by the prosecution due to insufficient evidence and/or witnesses continued to be high, particularly for murder and gang-related cases, often due to failure of witnesses to testify because of fear for life and personal safety. A 2010 law allows written statements by witnesses to be admitted into evidence in place of court appearances, which led judges to require a high degree of proof prior to admitting such statements.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

## **Civil Judicial Procedures and Remedies**

Citizens may seek civil remedies for human rights violations. Most civil suits are heard in the Supreme Court, but the magistrates' courts have jurisdiction over civil cases involving sums of less than BZ\$5,000 (\$2,500). In addition to civil cases, the Supreme Court has jurisdiction over cases involving human rights issues. The backlog of civil cases in the Supreme Court was significant and increased during the year.

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

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

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

### **a. Freedom of Speech and Press**

#### **Status of Freedom of Speech and Press**

The law provides for freedom of speech and press, and the government generally respected these rights in practice. The constitution, however, permits authorities to forbid any citizen from questioning the validity of financial disclosure statements submitted by public officials. Anyone who questions these statements orally or in writing outside a rigidly prescribed procedure is subject to a fine of up to BZ\$5,000 (\$2,500), imprisonment of up to three years, or both. There were no reports that this prohibition was invoked during the year.

#### **Internet Freedom**

There were few government restrictions on access to the Internet and no credible reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

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

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

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

The law provides for freedom of assembly and association, and the government generally respected these rights in practice.

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

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

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

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

#### **Protection of Refugees**

Access to Asylum: The laws provide for the granting of asylum or refugee status, but the government has not established a system for providing protection to refugees. The nongovernmental organization (NGO) Help for Progress, the UNHCR's implementing partner in the country, assisted with refugee and asylum cases. The Immigration and Nationality Department handles individual cases but has not issued refugee permits in almost 15 years.

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

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held by secret ballot and based on universal suffrage for all citizens age 18 and older.

#### **Elections and Political Participation**

Recent Elections: In February 2008 the UDP obtained a parliamentary majority in generally free and fair elections.

Participation of Women and Minorities: There were five women, among them the president, in the 12-member appointed Senate, but there were no women in the 31-seat elected House of Representatives. Mestizo, Creole, Maya, Garifuna, Mennonite, and other minority and immigrant groups participated in the National Assembly and at high levels of government.

There were no elected women in the national parliament and no female ministers, although there were several deputy ministers (known as chief executive officers). In March the National Women's Commission launched a collaborative initiative to explore ways to increase the participation of women at the highest level of decision making.

### **Section 4. Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption, but there were no successful prosecutions on that charge. The World Bank's worldwide governance indicators reflected that corruption continued to be a problem.

From July through November, the media occasionally reported the claim of several NGOs that the Forest Department in the Ministry of Natural Resources and Environment was ignoring or facilitating the illegal trade of rosewood.

In November an employee of the San Pedro Magistrate's Court was charged with five counts of forgery. At year's end the employee was in detention awaiting trial.

In December the media reported that on November 16, at the Benque Viejo border crossing with Guatemala, two foreigners alleged that immigration officials extorted

10,000 Mexican pesos (approximately \$715) from them and sexually harassed one of them. The Ministry of Defense and Immigration declared that it had initiated an internal investigation.

On December 22, the media reported a leaked internal memo from state-run Karl Heusner Memorial Hospital that alleged corrupt hiring and procurement practices.

In July, in the case involving six immigration officials charged in October 2010 with offenses relating to the transit of 33 Chinese nationals through the country, a magistrate ruled during a preliminary inquiry that there was insufficient evidence to proceed with prosecution. The Prosecutor's Office indicated its intention to reinstitute charges once the police completed further investigations, but at year's end the case remained under investigation and had not resulted in new charges.

At year's end four police officers arrested in November 2010 on drug charges remained on interdiction but were free on bail and awaiting trial.

The Prevention of Corruption in Public Life Act requires public officials to submit annual financial statements, which are reviewed by the Integrity Commission. The commission was not active throughout the year.

The law provides for public access to documents of a ministry or prescribed authority upon written request, although it protects a number of categories, such as documents from the courts or those related to national security, defense, or foreign relations. The government must supply to the Office of the Ombudsman a written reason for any denial of access, the name of the person making the decision, and information on the right to appeal.

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

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

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. However, the office operated under staffing and financial constraints.

The ombudsman reported an inability to complete her required annual report in 2009 and 2010. Similarly, the Human Rights Commission, an independent, volunteer-based government agency, continued to operate but only on an ad hoc basis and was constrained by funding and staffing limitations.

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

The constitution prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these prohibitions.

### **Women**

Rape and Domestic Violence: The criminal code criminalizes rape, including spousal rape. The code states that a person convicted of rape or marital rape shall be sentenced to imprisonment of eight years to life, although in practice sentences were sometimes much lighter. Generally, challenges to the wider justice system resulted in poor conviction rates for rape offenses. A number of cases resulted in acquittals or discontinuance because the accusing party dropped the charges or refused to testify at trial (see section 1.e., Trial Procedures). In many instances the failure to proceed with a case was caused by the victim's fear for personal safety. The BPD reported that incidences of rape increased to 27 cases while the number of arrests decreased to 14 during the year, compared with 21 cases reported and 16 arrests in 2010. Underreporting of rape was likely due to perceived inefficiencies in the police and judicial systems as well as fear of further violence, retribution, and social stigma.

Domestic violence is frequently prosecuted with charges such as "harm," "wounding," "grievous harm," rape, and marital rape. Police, prosecutors, and judges recognize both physical violence and mental injury. Penalties include fines or imprisonment for violations; the level of fine or length of sentence depends on the crime. The law empowers the Family Court to issue protection orders against accused offenders. Persons who may apply for protection orders against domestic violence include de facto spouses or persons in visiting relations. Protection orders may remain in place for up to three years and may include a requirement for child maintenance where applicable.

The Women's Department continued its program of "gender sensitization," as well as its campaign against gender-based and domestic violence. The department also

continued a batterers' intervention and prevention program for men who are abusive to women. It received referrals from both the criminal and civil courts.

In August the Women's Department, Ministry of Health, and Pan American Health Organization hosted a national consultation workshop to evaluate the system in which service providers identify and refer victims and record and report cases of gender-based violence.

During the year a male police officer from the Domestic Violence Unit of the Police Department undertook training in Canada with support of the Women's Department.

Despite these efforts domestic violence against women remained a significant problem; information regarding the number of cases during the year was not available. Domestic violence likely was most prevalent in the Belize District, which includes Belize City. There were two women's shelters in the country (with a total of 18 beds) that offered short-term housing.

Although sexual harassment legislation exists, the legal framework remained unchanged and, according to the Women's Department, was largely ineffective, since the fear of dismissal without compensation remained a major deterrence to filing complaints.

In January an assistant commissioner of police was investigated for sexually assaulting a female officer. The officer ranked third in command at the Belize Police Department and had served for 26 years. The PSB investigated the case before transferring it to the Director of Public Prosecution. At year's end the case was concluded as the complainant requested no further action.

In July police began an investigation of a police constable who was suspected of "carnal knowledge" (statutory rape) of a 13-year-old girl who subsequently became pregnant.

On December 21, the media reported that Supreme Court Justice Denis Hanomansingh ruled that a 36-year-old man accused of "carnal knowledge" of a 14-year-old girl must marry the girl to receive bail.

Reproductive Rights: Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children, and they had the information and means to do so free from discrimination, coercion, and violence.

Programs undertaken by the Ministry of Health and the Belize Family Life Association provided information and access to family planning and reproductive health services; skilled personnel attended 95 percent of births. Contraceptive use for married women was estimated to be 34 percent.

Discrimination: Despite legal provisions for gender equality, the media continued to report that women faced social and economic discrimination. The Labour (Amendment) Act, 2011, was enacted during the year. The act provides generally for the continuity of employment and protection against unfair dismissal, including for sexual harassment in the work place or by the employer or another employee. It also addresses procedures for the termination of contract and establishes a labor complaints tribunal.

There were no legal impediments to women owning or managing land or other real property. Despite participating in all spheres of national life, women held relatively few top managerial positions. Although the law mandates equal pay for equal work, women earned 45 percent less than men did for similar or equal work and experienced a more rapidly increasing unemployment rate than men. Fifty percent of women participated in the labor force, compared with 83 percent of men.

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

## **Children**

Birth Registration: Citizenship is derived by birth within the country's territory, regardless of the nationality of the parents. Citizenship may also be acquired by descent if at least one parent is a citizen of the country; however, citizenship by descent is not automatic for a child born outside the country. The law requires the registration of the birth of children within 42 days of birth. In February UNICEF, in coordination with relevant government agencies, launched a campaign targeting unregistered children under the age of 18 with the goal of achieving 100 percent registration.

Child Abuse: There was no data available regarding the number of cases reported during the year of domestic violence and cases of sexual abuse against children

under 14. From January through June 2010, there were 81 cases of domestic violence against children under age 14 and 18 cases of sexual abuse against children under age 14. In many cases the government was unable to prosecute individuals for such abuse because the victims or their families were reluctant to press charges.

The law allows authorities to remove a child from an abusive home environment and requires parents to maintain and support children until the age of 18.

The Family Services Division in the Ministry of Human Development and Social Transformation is the government office with the lead responsibility for children's issues. The division coordinated programs for children who were victims of domestic violence, advocated remedies in specific cases before the Family Court, conducted public education campaigns, investigated cases of trafficking in children, and worked with local and international NGOs and UNICEF to promote children's welfare.

Sexual Exploitation of Children: The legal age for consensual sex is 16. "Carnal knowledge" of a female child under the age of 14, with or without her consent, is an offense punishable by 12 years' to life imprisonment. Unlawful carnal knowledge of a girl who is 14 to 16 is an offense punishable by five to 10 years' imprisonment.

There were reports that children of both sexes were involved in prostitution, including sex tourism. Paid sex with a 16- or 17-year-old is a crime. The law criminalizes the procurement or attempted procurement of unlawful carnal knowledge with a female who is under the age of 18 and who is not a common prostitute or of "known immoral character"; an offender is liable to five years' imprisonment.

The criminal code establishes a penalty of two years' imprisonment for persons convicted of publishing or offering for sale any obscene book, writing, or representation.

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

## **Anti-Semitism**

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

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

Although the law does not expressly prohibit discrimination against persons with physical and mental disabilities, the constitution provides for the protection of all citizens from any type of discrimination. The law does not provide for accessibility for persons with disabilities.

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

The prime minister's wife continued advocacy campaigns on behalf of persons with disabilities, partnered with CARE-Belize to promote schools that made efforts to create inclusive environments for persons with disabilities, and proposed a program for Belize City to support children with disabilities. In November construction started on a mental health day-care resource center in Belize City to facilitate social support and training for income generation of the homeless and people with mental health problems as well as provide daily meals, medical referrals, and recreation activities for beneficiaries.

### **Indigenous People**

Among the country's indigenous population, the Mopan and Kekchi historically have been characterized under the general term Maya, although self-proclaimed leaders more recently asserted that they should be identified as the Masenal (common people). The Maya Leaders' Alliance, which comprised the Toledo Maya Cultural Council, Kekchi Council of Belize, Toledo Alcaldes Association, and Toledo Maya Women's Council, monitored development in the Toledo District with the goal of protecting Mayan land and culture.

## **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law does not protect sexual orientation or gender identity. The criminal code states that “carnal intercourse” with any person “against the order of nature” shall receive a punishment of 10 years’ imprisonment. In practice the law was interpreted as including only sex between men.

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

United Belize Advocacy Movement (UNIBAM), the country’s sole lesbian, gay, bisexual, and transgender advocacy organization, reported that continuing harassment and insults by the general public and police affected its activities, but its members were reluctant to file complaints. There were no gay pride marches organized during the year due to UNIBAM membership concerns over the public’s possible adverse reaction. UNIBAM challenged the law on “carnal intercourse” as unconstitutional. The case was scheduled to be heard before the Supreme Court on December 4 but was postponed to January 2012.

### **Other Societal Violence or Discrimination**

There was some societal discrimination against persons with HIV/AIDS, and the government worked to combat it through the public education efforts of the National AIDS Commission under the Ministry of Human Development. NGOs such as the Pan American Social Marketing Organization also actively countered discrimination against persons with HIV/AIDS. The Labour (Amendment) Act, 2011, enacted during the year, provides for the protection against unfair dismissal, including for HIV status.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law generally protects workers’ right to establish and join trade unions, conduct legal strikes, and bargain collectively. The law also prohibits antiunion discrimination and protects against dissolution or suspension of unions by administrative authority. The Ministry of Labor recognizes unions and employers associations after they are registered, and the law establishes procedures for the

registration and status of trade unions and employers organizations and for collective bargaining.

Strikes or other actions are not prohibited in general, even for essential services, but 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, and port authority pilots and security services are deemed essential services.

In general the government effectively enforced applicable laws without lengthy delays and appeals. Workers can file complaints with the ministry’s Labor Department or seek redress from the courts, but it was generally difficult to prove that a termination was due to union activity. The law provides for reinstatement for workers fired for union activity, although in practice the courts provided monetary compensation as opposed to reinstatement.

Unions were independent of government and political parties. There were no reports of government interference in union activities.

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

The constitution prohibits forced or compulsory labor. The government effectively enforced these provisions in general, although there were some reports of forced or compulsory labor.

Also see the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

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

The law prohibits the employment of children under age 14. Persons ages 14 to 18 may be employed only in an occupation that a labor officer has determined is “not injurious to the moral or physical development of nonadults.” Children under age 16 are excluded from work in factories, and those under age 18 are excluded from working at night or in certain kinds of employment deemed dangerous. The National Child Labor Policy, enforced by the Department of Labor and the National Commission for Families and Children, contains a list of hazardous occupations for young workers.

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

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

In November the government, in collaboration with UNICEF, hosted the first State of the Nation Children's Conference. In October the government, in collaboration with the prime minister's wife, hosted a workshop for persons working in the tourism industry to examine sex tourism. The workshop built on the National Symposium on the Commercial Sexual Exploitation of Children, which the government held in August.

Children were engaged in the worst forms of child labor in rural areas, and they often worked on family plots and family businesses after school, on weekends, and during vacations. There also were reports that children of migrant workers helped their parents during the harvest period to increase family income. In addition children in urban areas worked shining shoes and as street vendors.

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

#### **d. Acceptable Conditions of Work**

The national minimum wage was BZ\$3.10 (\$1.55) per hour. A full-time worker receiving the minimum wage earned between one and one-half and two times the poverty-limit income, depending on the district. The law sets the workweek at no

more than six days or 45 hours and requires premium payment for overtime work. Workers are entitled to two working weeks' paid annual holiday. Additionally, there are 13 days designated as public and bank holidays. Employees who work on public and bank holidays are entitled to pay at time and a half except for Good Friday and Christmas, which are paid at twice the normal rate.

Several different health and safety regulations cover numerous industries. The law, which applies to all sectors, prescribes that the employer must take "reasonable care" for the safety of employees in the course of their employment. The law further states that every employer who provides or arranges accommodation for workers to reside at or in the vicinity of a place of employment shall provide and maintain sufficient and hygienic housing accommodations, a sufficient supply of wholesome water, and sufficient and proper sanitary arrangements. Workers have the legal right to leave a dangerous workplace situation without jeopardy to continued employment.

The Ministry of Labor enforced the minimum wage and health and safety regulations to varying degrees. The ministry's Department of Labor had 23 labor officers in 10 offices throughout the country. Fines vary according to the infraction but generally are not very high. It was unclear whether penalties served as a deterrent. During the year the department addressed discrimination based on HIV in the workplace by publishing a pamphlet, making public service announcements on television, and holding a workshop for employers.

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