



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues prepared in the absence of the initial report of Belize, adopted by the Committee at its 106th session (15 October–2 November 2012)

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. What is the status of the Covenant under domestic law? Can provisions of the Covenant be directly invoked before domestic courts? If so, please provide detailed examples of cases in which this was done and with what results. Please state how the reservations to articles 12, paragraph 3, and 14, paragraphs 3(d) and 6 are compatible with the Covenant and whether the State party intends to withdraw these reservations.
2. Please provide information on the availability of remedies for individuals claiming a violation of their rights as contained in the Constitution and the Covenant. What measures have been taken to raise awareness about the Covenant among public officials and State agents, in particular through the training of judges, lawyers and law enforcement personnel?
3. Please provide information on the steps being taken, if any, to establish a national institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). Please provide information about efforts to appoint a new Ombudsman since the last Ombudsman's contract expired in December 2011.

Non-discrimination, equality between men and women (arts. 2, para. 1, 3 and 26)

4. Please provide information on the status of implementation of the recommendations made by the Political Reform Commission in 2000 on the use of temporary special measures such as quotas. Please provide information on concrete measures taken to improve de facto: (a) women's status in the political, economic and social life of the country where they are underrepresented; (b) the percentage of women employed in positions of responsibility, both in the private and public sectors; (c) equal pay for work of equal value between men and women considering that women earn 45 per cent less than men; and (d) return and retention of girls in schools after pregnancy. Please also provide information on the achievements and challenges experienced in the implementation of the National Gender Policy that was approved by Cabinet in 2003.
5. Please provide information on measures taken to protect persons from discrimination and violence based on sexual orientation. Please provide data on the number of persons that have been attacked based on their sexual orientation, including by police or other security forces, and specify whether perpetrators have systematically been prosecuted

and punished. Please state the measures being taken to de-criminalize homosexuality and to repeal section 5(1) of the Immigration Act, which includes “homosexuals” on the list of prohibited persons for purposes of immigration.

6. Please provide information on the measures being taken to improve the situation of persons with disabilities in all spheres of life.

States of emergency (art.4)

7. Please state the grounds upon which a state of emergency can be lawfully declared, and the rights in the Covenant and Constitution that are not amenable to derogation in times of public emergency.

Counter-terrorism measures and respect of Covenant guarantees

8. Please indicate the legislative measures that have been adopted to combat terrorism, and to what extent they may affect the rights guaranteed under the Covenant.

Right to life (art. 6)

9. Please provide information on the prevalence of maternal mortality and deaths resulting from abortions. Please also provide statistical data on the number of persons infected by HIV/AIDS and those that have died from HIV/AIDS related illnesses. Please state the measures being taken to improve access to sexual and reproductive health services, and to implement the Sexual and Reproductive Health Policy launched in 2005.

10. Please provide information on whether the application of the death penalty is compatible with the Covenant and that it is reserved for the most serious crimes. Please indicate which crimes are punishable by the death penalty, and whether its application in such cases is mandatory.

11. Please respond to reports that the State party would be amending its Constitution to bar any challenge in any court of law on any ground whatsoever to all future amendments to the Constitution by Parliament, including such ones as the withdrawn 8th Amendment that aimed at preventing death sentence from ever being found to constitute inhuman treatment by courts.

12. Please provide information about the allegations that killings of foreign nationals have allegedly been committed by the Belize Defence Force (BDF). Please state the investigations that have been initiated.

Prohibition against torture and cruel, inhuman or degrading treatment or punishment, right to liberty and security of person, treatment of persons deprived of their liberty, fair trial (arts. 7, 9 10 and 14)

13. Please provide information on steps taken to prevent and combat domestic violence, including training for judges, police and health officers, as well as on public awareness-raising campaigns for women on their rights and available remedies. Please also provide information on measures taken to ensure that acts of domestic violence are effectively investigated, and that perpetrators are prosecuted and sanctioned under the Prevention of Domestic Violence Act which took effect in July 2007.

14. Please provide information on: (a) the total number of cases of alleged torture and cruel, inhuman or degrading treatment on the part of police officers or prison officials that have been filed and how many of these have been investigated; (b) the outcome of the investigations and the action taken against those found guilty; and (c) the measures taken for the rehabilitation and compensation offered to victims.

15. Please provide information on the legal framework that regulates the protection of individuals from being extradited or forcibly returned to countries where they are likely to

be subjected to torture or other inhuman or degrading treatment or punishment or other serious violations of human rights.

16. Please provide information on measures to repeal the provisions of the Criminal Code and the Education Act which legitimize the use of corporal punishment. What measures are being taken to raise public awareness regarding the harmful effects of corporal punishment and to promote alternative forms of discipline of children?

17. Please respond to allegations of excessive use of force by the law enforcement personnel. Please respond specifically to reports that the Belize Police Department Gang Suppression Unit allegedly used excessive force after the funeral of a murder victim who allegedly had gang member associates. Please provide information on investigations and/or legal sanctions in connection with these allegations, and any other measures taken to prevent their recurrence. Please provide information on the work of the civilian Independent Complaints Commission that is mandated to investigate allegations of abuse and misconduct made against the police.

18. Please specify how many persons are held in pretrial detention and how many persons held in detention have received a sentence. What is the average length of pretrial detention? Please respond to allegations that the police use detention as a means to intimidate suspects. Please provide information on the measures being taken to ensure the segregation of convicts from detainees, and juveniles from adults in places of deprivation of liberty.

19. Please state how the privatization of the management of the Belize Central Prison affects its monitoring by independent monitoring bodies. Please state how the Kolbe Foundation accounts for the management of the prison and the responsibility of the State for any infractions committed by staff of Kolbe Foundation. Please explain the improvements that have been made to the living conditions following the privatization of prison management.

20. Please provide information about the criminal age of responsibility and how minors are dealt with in the judicial system. How many persons under 18 are held in detention and under which crimes are they being held?

21. Please provide information on access to legal assistance. Please provide information on steps taken to expedite proceedings and the delivery of justice in light of reports that judges are often slow to issue ruling.

Elimination of slavery and servitude (art. 8)

22. Please provide information on steps taken to implement the Trafficking in Persons (Prohibition) Act in order to prevent trafficking and sale of persons. Please describe the mechanisms in place to protect and rehabilitate victims of trafficking? Please provide information on the number of investigations, prosecutions, and convictions on the trafficking in persons, and the number of victims that have received compensated.

Freedoms of opinion and expression; and association (arts. 19 and 22)

23. What are the legislative restrictions on the right to form and join trade unions? Are certain categories of workers subject to particular restrictions? What percentage of the total work force belongs to a trade union?

24. Please provide detailed information on: (a) how freedom of opinion and expression is guaranteed in law and in practice, including on all aspects of circulating information in any form; (b) the existence of non-State controlled media; and (c) the legal regime that regulates the censorship of the media. Furthermore, please state the measures taken, if any, to address expressions by journalists in the print media, which allegedly incite violence against people that have same-sex relations.

Measures for the protection of minors (art. 24)

25. Please provide information on the measures taken to deal with the shortcomings experienced in the registration of births of newborn children in the State party. Does the law provide for the mandatory registration of births? If so, please provide data on the rate of registration of newborn children.

26. Please also specify the measures taken to combat the use, procurement or offering of persons under 18 years of age for the purposes of pornography, prostitution or sex tourism.

Right to be elected (art. 25)

27. Please indicate how Belize guarantees that all of its citizens, particularly from the Maya people, have the right to be elected at periodic elections. Please indicate the percentage of representatives and State officials belonging to minorities, including Mayan people. Please indicate the legal status of their traditional *Alcalde* system.

Rights of persons belonging to minorities (art. 27)

28. Please provide information on the measures being taken to stop the parcelling of traditional land belonging to the Mayans and granting it to private buyers. Please respond to reports that the Government continues to grant natural resources concessions for oil, logging and hydro-electricity project in Toledo districts notwithstanding the decision of the Supreme Court of 28 June 2010. What measures are being taken to ensure that any such decisions are made after full and informed consultations with representatives of the Maya people?

29. Please indicate the steps that have been taken to ensure the full observance of the right of indigenous peoples to be consulted on legislative and administrative measures likely to affect them, including development projects. Please indicate which Ministry is charged with addressing indigenous peoples' rights and their participation in decision-making within such institution.
