



Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Visit to Belize undertaken from 22 to 28 April 2018: recommendations and observations addressed to the State party

Report of the Subcommittee***, ***

* Reissuance for technical reasons on 31 August 2022.

** In accordance with article 16 (1) of the Optional Protocol, the present report was transmitted confidentially to the State party on 28 February 2019. On 30 August 2021, the State party requested the Subcommittee to publish the report, in accordance with article 16 (2) of the Optional Protocol.

*** The annexes to the present report are being circulated in the language of submission only.



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I. Introduction

1. In accordance with its mandate under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Subcommittee on Prevention of Torture carried out its first visit to Belize from 22 to 28 April 2018. Belize became a party to the Convention against Torture on 17 March 1986 and to the Optional Protocol on 4 September 2015.

2. The Subcommittee members conducting the visit were: Malcolm Evans (head of delegation), Arman Danielyan, June Caridad Pagaduan Lopez, Aisha Shujune Muhammad and Victor Zaharia. The Subcommittee was assisted by two human rights officers from the Office of the United Nations High Commissioner for Human Rights, two United Nations security officers and four interpreters.

3. The principal objectives of the visit were to:

(a) Provide advice and technical assistance to Belize on the establishment of its national preventive mechanism;

(b) Visit a range of places of deprivation of liberty in order to assist the State party in fully implementing its obligations under the Optional Protocol to strengthen the protection of persons deprived of their liberty from the risk of torture and ill-treatment.

4. The Subcommittee held meetings with those listed in annex I and visited the places of deprivation of liberty listed in annex II, interviewing persons deprived of their liberty, law enforcement and detention officers, medical personnel and others. The delegation met with the Constitution and Foreign Affairs Committee of the House of Representatives; the Chief Justice; and representatives of the Office of the Ombudsman, the United Nations country team, civil society, the bar association and the medical association. The Subcommittee wishes to thank them for the valuable information they provided.

5. On 27 April 2018, at the end of the visit, the delegation presented its confidential preliminary observations orally to government authorities and officials.

6. In the present report, the Subcommittee sets out its observations, findings and recommendations relevant to the prevention of torture and ill-treatment¹ of persons deprived of their liberty under the jurisdiction of Belize.

7. The Subcommittee reserves the right to comment further on any place visited, whether or not it is mentioned in the present report, in its discussions with Belize arising from the report.

8. The Subcommittee recommends that the present report be distributed to all relevant authorities, departments and institutions, including but not limited to those to which it specifically refers.

9. The present report will remain confidential until such time as Belize decides to make it public in accordance with article 16 (2) of the Optional Protocol. The Subcommittee firmly believes that the publication of the present report would contribute positively to the prevention of torture and ill-treatment in Belize.

10. The Subcommittee recommends that Belize request the publication of the present report in accordance with article 16 (2) of the Optional Protocol.

11. The Subcommittee draws the attention of Belize to the Special Fund established under the Optional Protocol to the Convention (art. 26). Only recommendations contained in those Subcommittee visit reports that have been made public can form the basis of applications to the Fund, in accordance with its published criteria.

12. The Subcommittee wishes to express its gratitude to the authorities and to the liaison officers for their help and assistance relating to the planning and undertaking of the visit.

¹ The present report uses the generic term “ill-treatment” to refer to any form of cruel, inhuman or degrading treatment or punishment, in accordance with article 16 of the Convention against Torture.

During the visit itself, the Subcommittee continued to enjoy excellent cooperation and access to all places, persons and information requested.

II. General issues

A. Belize and the Convention against Torture

13. The Subcommittee notes positively that the Constitution provides that “no person shall be subjected to torture or to inhuman or degrading punishment or other treatment” (chap. 4, sect. 7). However, while the Criminal Code includes a crime of “cruelty to a prisoner” attributable to prison officers (chap. 101, sect. 287), the Subcommittee is concerned that torture is not itself a distinct crime. The Subcommittee is particularly concerned that the Belize Prison Rules allows prison officers “to inflict corporal punishment” (chap. 110, sect. 38 (1)) and that the Belize Police Act treats violence and the ill-treatment of persons in custody as disciplinary offences rather than crimes (chap. 138, sect. 24 (u)).

14. **The Subcommittee recommends that torture be made a distinct criminal offence, defined in accordance with articles 1 and 2 (2) and (3) of the Convention against Torture, and that acts of torture and ill-treatment be punishable by penalties commensurate with their gravity. In the meanwhile, torture and ill-treatment should lead to prosecution under sections 79 to 95 of the Criminal Code (“criminal harm to the person”) and not be treated only as a disciplinary matter.**

15. Belize has not yet resubmitted its initial report under article 19 of the Convention against Torture, as requested by the Committee against Torture² at its eleventh session, on 9 November 1993. Belize also did not reply to the list of issues prior to the submission of the second periodic report sent by the Committee, which was issued on 15 July 2010.³

16. **The Subcommittee recommends that Belize fulfil its obligations under article 19 of the Convention against Torture by submitting its periodic report to the Committee against Torture forthwith.**

B. Fundamental legal safeguards

17. The Subcommittee is concerned that not all fundamental legal safeguards against torture and ill-treatment are provided for, and that those safeguards that do exist do not have a clear legislative basis, but are only partially provided for by provisions in the guidelines for the interviewing and treatment of persons in detention, issued in 2015.⁴

18. The Subcommittee is concerned that, in practice, detainees are only notified about their legal rights once they are charged with a crime, which may be up to 48 hours after they were first detained. Detainees are not themselves permitted to call a family member or other person to inform them of their detention. This is done by police officers, and is often subject to considerable delay. Lawyers rarely have contact with detainees prior to court proceedings, and those who do not have a lawyer lack information on who may be contacted and in what way. The right to a medical examination by a doctor is also not guaranteed, unless there is an allegation of assault or the use of unnecessary force. Consular authorities are not routinely informed when their nationals are detained.

19. **The Subcommittee recommends that the generally accepted fundamental legal safeguards are fully provided for in law, and properly reflected in guidance and**

² CAT/C/SR.156.

³ CAT/C/BLZ/Q/2.

⁴ Ministry of National Security and Belize Police Department, Commissioner of Police, “Guidelines for the interviewing and treatment of persons in detention”, 2015 (issued pursuant to sect. 7 of the Police Act).

working practice. Such safeguards should include, as a minimum and applicable from the outset of detention, the following:⁵

- (a) **The right to be informed of one's rights and of the reasons for arrest or detention;**
- (b) **The right and means to inform one's family, or another third person, of their detention;**
- (c) **The right to contact and consult with a lawyer of one's choice. Those who are unable to afford a lawyer should be provided with access to a lawyer free of charge;**
- (d) **The right to be medically examined by a doctor of one's choice, in addition to any examination carried out by a doctor called by the authorities;**
- (e) **In the case of foreign nationals, the right to receive consular assistance. This includes the obligation to promptly inform consular authorities.⁶**

20. The Subcommittee notes the lack of routine medical screening upon admission to police stations. There was also no evidence of a formal system of medical referrals to a doctor, as in practice, referrals are at the discretion of the detaining authorities.

21. The Subcommittee is also concerned that at the Central Belize Prison, newly admitted detainees are screened by inmates who have been provided with rudimentary paramedic training rather than by medical professionals, which is not appropriate.

22. **The Subcommittee recommends that all detainees be medically screened by a qualified medical professional upon first arrival at both police stations and the Central Prison. Such examinations must be thorough and, in addition to matters of general health, must include and document any evidence of violence inflicted on the detainee. When such examinations give rise to a suspicion that torture or ill-treatment might have taken place, such cases must be reported by the medical practitioner to an independent, administrative or judicial authority.**

C. Scope of legal aid

23. The Subcommittee is concerned that legal aid is only available to defendants in capital cases and only at the stage of court proceedings. Moreover, the available funding is inadequate even for this limited purpose.

24. **The Subcommittee recommends that legal aid be extended to all those who are detained in connection with alleged criminal offences, that it be applicable and available when a person is first detained and that the system be properly funded.**

D. Recording of interviews

25. Although guidelines in force since 2016 require police officers to record all interviews with criminal suspects electronically,⁷ the Subcommittee is concerned that this does not in fact occur since equipment is not available in all police stations, and where available, it is used selectively.

26. **The Subcommittee recommends that the necessary resources be made available to enable audio and video recordings of police interviews. The Subcommittee further recommends that recordings be stored securely, retained for an appropriate period and made available to both investigation personnel and defence lawyers.**

⁵ Nelson Mandela Rules, rules 30, 58, 61–62 and 118–119.

⁶ Vienna Convention on Consular Relations, art. 36 (1) (b).

⁷ “Guidelines for the interviewing and treatment of persons in police detention”.

E. Arbitrary detention

27. The Subcommittee is concerned that there appears to be no clear justification for detention in numerous instances. Several detainees interviewed complained of being detained by the police in connection with alleged offences not on the basis of any evidence of their involvement, but as a result of their having a previous criminal record, or their ethnicity, economic circumstances, sexual orientation or gender identity. Moreover, when an offence is committed, it appears to be a common practice to detain and question those in the proximity of the offence, which constitutes little more than “round-ups” of bystanders and perceived “troublemakers”. Not only is this wrong in itself, but the Subcommittee believes that it is likely to increase the risk of ill-treatment while in detention.

28. **The Subcommittee recommends that no one be subjected to arbitrary arrest or detention, including by ensuring that there is a clearly prescribed exhaustive list of the legal grounds on the basis of which a person may be detained, accompanied by a clear procedural framework. Everyone who has been unlawfully detained must have an enforceable right to compensation.**⁸

29. The Subcommittee was surprised to discover persons in police custody who had been detained for civil debts. This is not in accordance with article 11 of the International Covenant on Civil and Political Rights, which prohibits imprisonment for failure to fulfil a contractual obligation.

30. **The Subcommittee recommends that detention for failing to pay a civil debt, and imprisonment as a method of enforcing contractual obligations, should be ended.**⁹

31. The Subcommittee is concerned that under the Indictable Procedure Act (chap. 96, sects. 119–122), it is permitted to detain indefinitely – that is, “until the State’s pleasure is known” – those accused or found guilty of a crime, but who for reasons of mental health cannot be held criminally responsible. Given the rudimentary state of psychiatric care available in the country, the Subcommittee is concerned that persons with mental health disabilities may end up in prison indefinitely.

32. **The Subcommittee recommends that persons who, owing to mental health problems, cannot be held criminally responsible be referred to appropriate mental health facilities rather than be detained in prison. In addition, the Subcommittee recommends that the cases of all persons detained under sections 119–122 of the Indictable Procedure Act be reviewed with a view to detainees being removed from prison as a matter of urgency.**

33. The Subcommittee notes that a juvenile justice system is not yet fully established and no specialized juvenile courts exist. It is not clear why some juveniles detained on criminal charges are held in the Wagner’s facility for juveniles at Belize Central Prison, under the responsibility of the Prison Administration and Ministry of Justice, while others are detained in the Youth Hostel, under the responsibility of the Ministry of Human Development.

34. **The Subcommittee recommends that a specialized juvenile justice system that is focused on the best interests of the child be put in place, and that children only ever be detained as a measure of last resort and for the shortest possible period of time.**

F. Criminalization of undocumented migrants

35. The Subcommittee is concerned at the widespread practice of automatically detaining undocumented migrants. Rather than being requested to leave, it is common for undocumented migrants to be placed in police custody, pending a decision from the Court on whether the undocumented migrant should pay a fine and/or remain in custody. In practice, first offenders are routinely detained for six months, with repeat offenders detained for one

⁸ International Covenant on Civil and Political Rights, art. 9 (5).

⁹ Ibid., art. 11.

year. As there is no specialized facility, undocumented migrants are held in the low-security wing of Belize Central Prison, adding to the pressures on the unit and the prison as a whole.

36. **The Subcommittee, recalling its eleventh annual report,¹⁰ recommends that irregular entry by asylum seekers and migrants should not be treated as a criminal act. It also recommends that detention should be exceptional, strictly limited in time, proportionate to the purpose of such detention, and take place in appropriate facilities intended for such detention, rather than in police stations or alongside the general prison population.**

37. The Subcommittee is further concerned that undocumented migrant children are separated from their families and detained in the Youth Hostel, which despite its name is a place of detention.

38. **The Subcommittee recommends that the detention of undocumented migrant children cease immediately, that they not be separated from their families unless it is in the best interests of the child and that their needs be properly provided for in a non-custodial environment.**

39. There is a short and strictly applied period of only 14 days within which asylum may be claimed. Moreover, undocumented foreigners are not routinely interviewed and screened, which may result in the detention or refoulement of victims of torture or trafficking in persons. Moreover, the Subcommittee heard allegations that boats carrying migrants have been pushed back into the high seas – a practice that prevents persons at risk from seeking international protection in Belize.

40. **The Subcommittee recommends that the current 14-day period for claiming asylum be lengthened; that irregular migrants be systematically informed of their rights, including the right to claim asylum, at the earliest possible opportunity; and that individual assessments be carried out in order to identify those with particular vulnerabilities, including victims of, and those at risk of, torture.**

G. Uncontrollable behaviour orders

41. The Certified Institutions (Children's Reformation) Act (chap. 121, sect. 16) permits a magistrate to order the detention at the Youth Hostel of a child under 16 years of age at the request of a parent or guardian who is “unable to control the child”, with no further assessment being required. Children are therefore detained under such orders because their parents have opted out of their parental responsibilities. At the time of the visit, 35 children (16 boys and 19 girls) of the 46 children at the Youth Hostel were held under such orders, and records showed that children as young as 12 had been detained on that basis. The regime of the Youth Hostel is basically that of punitive detention (see paras. 118–126 below).

42. **The Subcommittee recommends that “uncontrollable behaviour” orders be abolished and children who have been held under such orders be placed in a suitable, nurturing family environment, or alternative care with the provision of appropriate medical and social support provided by the State.**

H. Remand

43. More than a third of inmates at the Belize Central Prison are awaiting trial, many for lengthy periods, and some for as long as 10 years. Despite time limits for their disposal, there is a significant backlog of cases waiting to be heard. While the list of persons in pretrial detention is reviewed three times per year to identify those who may be released on bail, in reality non-custodial measures are underdeveloped and underutilized. This overreliance on remand detention places an unnecessary burden on the penitentiary system and contributes to the worsening of conditions in detention.

¹⁰ CAT/C/63/4.

44. The Subcommittee recommends that pretrial detention be used as a means of last resort and that alternatives to pretrial detention be employed at as early a stage as possible.¹¹ The Subcommittee further recommends that time limits for pretrial detention be more clearly defined and strictly enforced.

45. The Subcommittee also recommends that the cases of all persons currently held on remand be reviewed in order to determine whether anyone has been held in pretrial custody for longer than the maximum prison sentence that might be imposed, and that any such persons be released from custody whenever possible.

46. The Subcommittee was very concerned that, unlike adults, cases of juveniles held in pretrial custody in practice were not subject to periodic review by the judiciary.

47. The Subcommittee recommends that, in accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),¹² juveniles should only be held in pretrial detention as a measure of last resort and that, whenever possible, alternative measures should be applied, such as close supervision. The need to hold a juvenile on remand should be subject to regular review and judicial oversight.

I. Oversight mechanisms

48. Although a number of internal and external oversight mechanisms have been established, including the professional standards branch of the police department, the visiting justices, the prison controller and the Ombudsman, they are neither fully developed, nor effective, while external mechanisms lack functional independence.

49. The Subcommittee recommends that existing systems of internal oversight, and of independent external oversight, be reviewed and assisted, in order to enhance their effectiveness, including by allowing access to all detainees irrespective of the legal basis for their detention and despite any state of emergency.

J. Role of the judiciary

50. Although the Subcommittee was assured that statements established to have been obtained as a result of torture would not be invoked as evidence in criminal trial proceedings, it remains concerned that allegations of torture are not automatically investigated, thus contributing to a climate of impunity.

51. The Subcommittee recommends that any statement established to have been made as a result of torture not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.¹³

52. The Subcommittee also recommends that allegations of torture made before a Court, or suspicions of torture and ill-treatment of a detainee that arise in the course of Court proceedings, trigger a prompt and impartial investigation by an independent body.

III. National preventive mechanism

53. By ratifying the Optional Protocol on 4 September 2015, Belize committed itself to establish, within one year, a national preventive mechanism, pursuant to article 17 of the Optional Protocol. This has not yet happened, nor at the time of the visit was there any clear

¹¹ United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), rule 6.

¹² The Beijing Rules, rule 13.

¹³ Convention against Torture, art. 15.

plan to do so, although the possibility of appointing the Ombudsman¹⁴ to act as a national preventive mechanism was raised in discussions.

54. The Office of the Ombudsman as currently constituted does not, however, satisfy the criteria contained in the Optional Protocol for an effective and independent national preventive mechanism. Moreover, its mandate falls well short of what is required of a national preventive mechanism: for example, although the Office of the Ombudsman conducts visits to the Belize Central Prison,¹⁵ it is not expressly entitled to speak in confidence with detainees, and there have been cases of reprisals following its visits. The Subcommittee is also concerned that the re-appointments of the Ombudsman for periods of one year, sometimes with a gap of several months, have had a negative impact on the political independence of the Office.

55. **The Subcommittee recommends that a functionally independent and sufficiently resourced national preventive mechanism be designated as a matter of priority, with a mandate and powers that accord with the provisions of part IV of the Optional Protocol and that follow the Subcommittee's national preventive mechanism guidelines.**

56. **The Subcommittee recommends that the authorities of Belize liaise with the Subcommittee within six months of its receipt of the present report with regard to its plans for the establishment of its national preventive mechanism, in order to allow the Subcommittee the opportunity to offer technical advice and assistance, as provided for in article 11 (b) of the Optional Protocol.**

IV. Findings arising from visits to places of deprivation of liberty

A. Police detention

57. During the visit, the Subcommittee visited eight police stations (see annex II).

1. Widespread and consistent allegations of police brutality

58. The Subcommittee heard widespread and consistent allegations of police brutality and ill-treatment, especially during apprehension and initial questioning. It heard of the increased militarization of the police and reliance on quasi-militaristic police units, such as the Gang Suppression Unit, which has been known to detain people without an arrest warrant and to apply brutal interrogation techniques, potentially amounting to torture or ill-treatment. In addition, the delegation heard testimonies from persons in police custody of ill-treatment, including the use of pepper spray and the administrations of beatings as punishments, for complaining or making simple requests, such as asking for drinking water or to use the toilet.

59. **The Subcommittee recommends that any form of violence against persons deprived of liberty be strictly prohibited and that any allegations or evidence of violence against detainees by the police during police custody be promptly and impartially investigated by an independent authority, and appropriate action be taken in the light of its findings.**

2. Limit on police detention

60. The 48-hour limit on police detention provided for in the Constitution (sect. 5, subsect. 3) is generally respected. However, this is not always the case for those arrested on weekends or public holidays, when that limit is not infrequently exceeded. Moreover, the Subcommittee heard numerous claims that persons released after 48 hours' police detention had been re-

¹⁴ The Ombudsman is tasked with investigation and reporting on allegations of corruption, wrongdoing and actions taken by an authority resulting in injury, injustice or abuse. The Office of the Ombudsman is located in Belize City, and it comprises a legal officer, an investigator and a researcher, in addition to the Ombudsman.

¹⁵ Such visits are carried out on the basis of a general provision in the Ombudsman Act (sect. 20), which permits it to "enter any premises occupied by any authority in order to inspect any document or record".

arrested almost immediately by another police unit for a further 48-hour period, resulting in a “revolving door” system of arrest and re-arrest.

61. The Subcommittee recommends that the 48-hour limit on police detention be strictly adhered to and that it not be circumvented by immediate re-arrest.

3. Conditions of detention in police stations

62. Cells used for police detention across the country were often in poor condition. Some detention cells were located underground and lacked access to fresh air and natural light. Others were so open that they exposed detainees to the elements, insects and other pests, resulting in very difficult living conditions. For example, the Subcommittee recorded a temperature of 34°C, with a humidity of 60 per cent, in a detention cell in Dangriga Police Station.

63. Police detention cells lack furniture, and buckets usually serve as a toilet. Although police officers in some stations allow detainees to use the toilets on site, it is discretionary and there can be a considerable delay. Those held overnight sleep on the floor, without bedding.

64. Food and water is not always provided by the authorities. Even on the rare occasions when those in police detention are provided with food and water, the Subcommittee heard numerous complaints that the food provided lacked hygiene and nutritional quality, and that the water provided was insufficient. While there is a general lack of access to adequate sanitation, women also lack ready access to essential sanitary items and proper washing facilities to accommodate their special needs.

65. The Subcommittee recommends that all cells have adequate, preferably natural, lighting and ventilation, sufficient to ensure an appropriate temperature and humidity both day and night, while also ensuring that they remain dry at all times. Appropriate means of protection against insects and other pests should be available. Cells should be equipped with basic furniture – fixed, if necessary – and those obliged to stay overnight should be provided with clean bedding. There should be prompt access to toilet facilities, which should be clean and decent, and access to adequate washing facilities, including to female sanitary items. Food should be provided at appropriate times and prepared in hygienic conditions, and should include at least one full meal each day. Clean drinking water should be available at all times.

66. While the Subcommittee did not itself encounter many examples of overcrowding during its visit, it is clear from police records that overcrowding does occur from time to time – for example, at the Dangriga Police Station.

67. The Subcommittee recommends that all cells used for overnight stays be of a reasonable size for their intended occupancy, that is, at least six square metres for single-occupancy cells, and at least four square metres per detainee in multi-occupancy cells.

4. Record-keeping

68. Records at police detention centres were kept in an insecure and disorganized manner. They lacked information on the detainees while in detention, such as food provision, incidents or injuries, and at one police station the detention register and staff movement register was combined. Registers did not always accurately reflect the numbers of persons found in police detention. No medical records, nor logs of medical screening or referrals, could be found.

69. The Subcommittee recommends that records concerning persons taken into custody be kept in a rigorous, systematic and comprehensive manner. It also recommends that such records include information concerning the exercise of the fundamental rights of detainees, as well as the date and time of apprehension, charge, movement or release, periods of questioning, and medical and other matters concerning the treatment of the detainee and the administration of justice.

5. Transportation

70. While being transported, detainees are frequently in handcuffs and foot chains, and also cuffed to each other, which presents a safety risk. In addition, they are sometimes not provided with water.

71. **The Subcommittee recommends that detainees should not be subjected to unnecessary physical hardship during transportation and that methods of restraint should be the least intrusive possible. Cuffing detainees to each other should cease and water should be provided.**

B. Belize Central Prison

1. General observations

(a) Governance and parole

72. Belize Central Prison,¹⁶ including the Wagner's facility for juveniles, is the only prison in the country. It is run by the non-profit Kolbe Foundation, on the basis of a renewable five-year contract with the Government, which the Subcommittee regretted not being able to see.

73. The Subcommittee understands that conditions have improved significantly since the Kolbe Foundation took over the management of the prison in 2001–2002. Work and educational rehabilitation programmes have been improved, juveniles are no longer held with adults, and there is improved security and a reduction in violence among inmates. However, some of the practices observed by the Subcommittee during its visit represent forms of ill-treatment. Both the prison management, which has operational responsibility, and the Ministry of National Security, which exercises oversight and bears ultimate responsibility, must take urgent action to ensure that such practices cease.

74. The system of governmental oversight currently in place, which involves the presence of a controller on site and four members on the nine-member Board of Management, is ineffective from a preventive perspective. For example, although the controller is responsible for ensuring that prisoners are treated in accordance with international human rights laws, the Constitution and other laws,¹⁷ in practice the role appears to be limited to financial matters and does not involve oversight of prison operations.

75. **The Subcommittee recommends that the State party ensure that its contract with the relevant service provider includes contractual provisions concerning compliance with applicable human rights law and generally accepted international standards,¹⁸ including the Nelson Mandela Rules. The designated oversight mechanism should monitor compliance with such obligations and report any concerns to the Ministry, which should, if warranted, take steps to ensure compliance. There should not be any conflict of interest between oversight and other functions.**

76. As members of the nine-member parole board, both government officials and senior prison staff, including the director and chief executive officer, are involved in administering the parole system, which in addition to representing a conflict of interest has direct financial implications for both the Prison and Ministry.

77. **The Subcommittee recommends the establishment of an independent parole board whose decisions are focused solely on whether the prisoner would represent a serious risk to the public if released.**

¹⁶ At the time of the visit, the prison accommodated 765 convicts and 442 persons on remand, which included a women's section and the Wagner's facility for juveniles. The latter hosted around 30 boys, the majority of whom were detained on remand.

¹⁷ CCPR/C/BLZ/1, para. 92.

¹⁸ For example, the Beijing Rules and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

(b) *Conditions of detention*

78. Conditions within the prison varied greatly, with some areas being of a relatively acceptable standard, while others were very poor and infested with insects and pests.

79. **The Subcommittee recommends that the State party ensure that all prisoners benefit from appropriate living conditions, in particular those related to light, ventilation, temperature, sanitation, nutrition, drinking water, access to open air and physical exercise, personal hygiene, health care and adequate personal space, appropriate to their needs and circumstances.¹⁹**

80. Liberal policies concerning visiting and making phone calls are a positive aspect of prison life, which the Subcommittee commends. It is, however, important to ensure that all are equally able to take advantage of these policies, subject to any legitimate limitations for disciplinary or other reasons. Lack of funds should not mean that a person is unable to contact the outside world at all.

81. Prison staff routinely conduct body searches, including rectal examinations, inappropriately.

82. **The Subcommittee recommends that body cavity searches be conducted only if absolutely necessary and only by qualified health-care professionals other than those primarily responsible for the care of the prisoner or, at a minimum, by staff appropriately trained by a medical professional in standards of hygiene, health and safety.²⁰**

83. While the Subcommittee commends Belize for commuting all death sentences to life imprisonment, served in a special unit under an acceptable regime, it is aware that the prisoners themselves seemed uninformed that they were eligible for release under the Paroles Act of 2017.

84. **The Subcommittee recommends that those whose death sentences have been commuted be informed of the provisions of the Parole Act of 2017 and be assisted in seeking consideration for early release.**

85. Those detainees who work or who are involved in rehabilitation programmes can also spend a considerable proportion of the day out of their cells, whereas other prisoners generally only spend one hour outdoors per day. While this respects the internationally accepted minimum standard, the Subcommittee believes that considerably more time spent outside of the cell could easily be made available to all detainees.

86. **The Subcommittee recommends that the State party clearly regulate the classification and placement of inmates in different detention regimes at the Belize Central Prison in accordance with established international norms.²¹ Inmates, including persons in need of protection, should not be exposed to repressive or more restrictive regimes than strictly necessary.**

87. The prison food is insufficient in quantity, quality and hygiene, and no provision is made for detainees with special dietary needs. Many complained of skin infections linked to the salty water used for showering.

88. Prison rules forbid inmates from receiving essential items that can be bought in the prison shop from their families. Given that prices in the prison shop are greatly inflated, this unwarranted policy suggests that there is profiteering at the expense of the detainees and their families.

89. **The Subcommittee recommends that:**

(a) **Food provided to inmates be of a nutritional value adequate for health and strength and of wholesome quality and that it be properly prepared and served;²²**

¹⁹ The Nelson Mandela Rules, rule 42.

²⁰ Ibid., rule 52.

²¹ Ibid., rule 93.

²² Ibid., rule 22 (1).

(b) **Inmates be provided with adequate bathing, showering and sanitary facilities, installations, including fresh water and toiletries necessary for the maintenance of health and cleanliness;**²³

(c) **Family members be allowed to provide food and personal necessities, irrespective of whether they are available in the prison shop, and that prison shop prices be made affordable and reasonable.**

90. While it is encouraging that many sentenced and remand detainees take part in work programmes, the refusal to work is wrongly treated as a disciplinary offence according to rule 49 of the Prison Rules Act. Moreover, payment for work is extremely low: a person making 50 cents per day has to work for around two weeks to be able to buy a pack of cigarettes costing around 7.75 Belizean dollars from the prison shop.

91. **The Subcommittee recommends that legislation, guidelines and practice concerning work in Belize Central Prison be reviewed to ensure that they do not create a situation of forced labour.**

92. There are insufficient recreational opportunities at the prison. There is no library and no organized activities other than the rehabilitation programme, which is centred around religious teachings. Furthermore, the public address system is also heavily focused on near continuous religious messaging.

93. **The Subcommittee recommends that an improved range of recreational and cultural activities be made available, including access to an adequately stocked library.**²⁴ **The rehabilitation programme and prison broadcasting systems should respect the cultural and religious diversity of the prison population.**

2. Remand detainees

94. The physical conditions in which remand detainees are held are extremely poor, with inadequate ventilation, lack of natural light and a lack of privacy when using toilets. They are allowed only the minimum of one hour out-of-cell time per day, which is not always spent outside, except on weekends and holidays. Taken together, the treatment of remand detainees could easily amount to cruel, inhuman or degrading treatment. Furthermore, at the time of the visit, some juveniles were being held in the adult remand block.

95. **The Subcommittee recommends that the living conditions and regime of detention for remand prisoners be substantially improved as a matter of urgency, and that juveniles on remand be kept separately from adult detainees.**

3. Women's wing

96. Conditions were generally better in the women's wing, with detainees able to leave their cells at will during the day. The solitary confinement unit did not appear to have been used for a long time. Instead, the three women who were under disciplinary sanction at the time of the visit were secluded in their own cells. At the time of the visit, two juvenile girls were housed in the women's wing, having been transferred to the prison from the Youth Hostel by a court order. As there is no separate facility for juveniles, there may have been no other option, but this underlines the inappropriateness of holding female juveniles at Belize Central Prison at all.

Wagner's facility for juveniles

97. The Wagner's facility for juveniles (boys only) is run on a culture of fear, exemplified by the excessive and abusive use of solitary confinement as a disciplinary measure and the use of pepper spray as collective punishment or for the purposes of control. A high proportion of all juveniles in the Wagner's facility for juveniles were in lockdown (i.e. solitary confinement) at the time of the visit, isolated in hot cells with no natural light or proper ventilation. The reasons for the imposition of lockdown included fighting, being disrespectful,

²³ Ibid., rules 15–16 and 18.

²⁴ Ibid., rules 64 and 105.

possessing a lighter or a memory card, refusing to do chores or speaking to someone who was in lockdown. This is in clear contravention of the Nelson Mandela Rules, which prohibits placing juveniles in solitary confinement (rule 45). Periods of lockdown lasted up to three months, sometimes in combination with other punishments, such as pepper spraying or so-called “bed sanction”, which involves denying the detainee access to phones and recreational activities. Two boys said that they could be punished for simply leaving their shoes on the wrong side of the bed or if the sheets of the bed were not orderly enough.

98. The Subcommittee recommends that urgent steps be taken to prohibit the use of solitary confinement within the Wagner’s facility for juveniles, to prohibit all forms of collective and coercive punishment for disciplinary purposes and to ensure that any form of punishment is proportionate and strictly limited in time.

99. Once they reach the age of 18, some young men may remain in the unit as “prefects”, in charge of maintaining order and sharing cells with juveniles.

100. The Subcommittee recommends that the principle of separation of juveniles and adults be strictly applied.

4. Disciplinary measures

101. Within the prison generally, there is an excessive and draconian use of disciplinary measures, in particular the use of solitary confinement and of pepper spray as means of punishment. In many cases, these disciplinary sanctions are applied for relatively minor infractions against the prison code. Moreover, the Prison Rules Act still allows for the use of dietary restrictions and corporal punishment as disciplinary measures, although they are seemingly no longer applied.

102. The Subcommittee recommends that legislation, and regulations and practice concerning the imposition of restrictions or disciplinary sanctions be revised to ensure that they do not result in inhuman or degrading treatment or punishment. The Subcommittee further recommends that:

(a) Solitary confinement be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review;

(b) The reduction of a prisoner’s diet or drinking water and the application of corporal punishment, including the application of pepper spray as a disciplinary measure, be strictly prohibited.

103. A particular feature of the punitive disciplinary regime operated at Belize Central Prison concerns the use of the Administrative Segregation Section and the Multi-Max Section, where detainees routinely remain for an average of three to four months, and sometimes for up to six months or more. Parole breakers and repeat offenders are automatically sent to these sections, clearly as a form of punishment additional to their sentence. These units are also used for those detainees in need of “protective custody”. The conditions of detention in all such units are unacceptable. Moreover, a number of underground cells in the Administrative Segregation Section have next to no fresh air and natural light and no basic sanitation. In addition, they are stiflingly hot, vermin-infested, box-like and overcrowded. Detainees are held for weeks or months in such conditions without any out-of-cell time at all. This is the epitome of cruel, inhuman and degrading treatment – and something to which anyone who has been held in there has been subjected, in violation of international law.

104. The Subcommittee recommends that parole breakers and repeat offenders should not be automatically housed in what are de facto punishment units.

105. The Subcommittee recommends that the Administrative Segregation Section be closed immediately.

106. The Subcommittee recommends that the Multi-Max Section be refurbished and run as regular accommodation rather than as a punishment unit.

5. Health care

107. The provision of health care for prisoners is the responsibility of the State.²⁵ Medical services within the criminal justice system should normally be provided by the Ministry of Health, which should ensure that persons in detention enjoy at least the same standards of health care as are available in the community. Although the original agreement between the Government and the Kolbe Foundation required the Government to provide health-care services in Belize Central Prison, it is the Kolbe Foundation that currently employs the prison's only full-time physician and nurse. Under such an arrangement, the health-care staff inevitably lack professional autonomy.

108. The Subcommittee recommends that the State party, through its Ministry of Health, recruit and supervise prison health-care staff in order to ensure their professional autonomy and integrity.

109. There is a small infirmary with two beds, which can accommodate patients for treatment or observation for up to 48 hours. There is a very limited supply of medications, especially for wounds and skin infections. Based on a memorandum of understanding with the Ministry of Health, inmates who require further treatment are referred to the Belize City Hospital. There is also a separate wing for inmates diagnosed with mental health issues, which is visited irregularly by the only psychiatric physician in Belize, currently engaged by the Ministry of Health. A dental team visits the prison once a month, but only performs dental extractions.

110. Given the size of the prison population, the high prevalence of tuberculosis and skin infections, and the poor quality of food and water in the prison, the human, material and financial resources allocated for health care in the prison are inadequate. This is aggravated by the prison physician also being expected to provide health-care services to prison guards, which could give rise to conflicts of interest.

111. The Subcommittee recommends that the State party allocate sufficient human, material and financial resources, including medicines, to maintain adequate health-care services in the prison. Such services should address prevention of disease, health promotion and the adequate treatment of mental and physical illness. Medical screening should take place on admission, with a view to recording any existing illnesses so that there is continuity of treatment and to identifying other illnesses that may need addressing and any traces of injuries. Information should be given to all new detainees on the function of, and access to, health-care services.

112. Health-care personnel should pay particular attention to the health of prisoners held under any form of involuntary separation, including by visiting such prisoners on a daily basis. They should report to the director, without delay, any adverse effect of disciplinary sanctions or other restrictive measures on the physical or mental health of a prisoner subjected to such sanctions or measures and should advise the director if they consider it necessary to terminate or alter them for physical or mental health reasons.²⁶ During the visit, no information was provided on the physician's role in relation to disciplinary procedures or body searches. Detainees in administrative segregation, although experiencing serious health issues, claimed they almost never saw the nurse. Moreover, the Prison Rules Act, whether implemented or not, still requires medical officers to certify inmates as fit for solitary confinement or punishment. The Subcommittee also learned of cases where inmates with mental health issues have been punished and placed in solitary confinement for causing disturbances.

113. The Subcommittee recommends that health-care personnel should have no role in the imposition of disciplinary sanctions or other restrictive measures.²⁷ It further recommends that the imposition of solitary confinement be prohibited in the case of prisoners with mental or physical disabilities when their conditions would be

²⁵ Ibid., rule 24 (1).

²⁶ Ibid., rule 46.

²⁷ Ibid.

exacerbated by such measures²⁸ and that those held under any form of disciplinary or separation regime be regularly visited by health-care professionals.²⁹

114. Prevention and treatment of communicable diseases is a necessary component of basic health care. While mandatory testing for tuberculosis is conducted through chest x-rays and monthly sputum exams and a two-week period of medical isolation under medication is required for sputum exams that are positive, HIV-AIDS testing is done only on a voluntary basis. There is no programme in place for prevention or control of the latter. The use of condoms is not allowed, reportedly so as not to encourage same-sex relations.

115. The Subcommittee recommends the initiation of a programme for HIV/AIDS control.

116. Medical personnel in the prison lack an understanding on the autonomous role of medical professionals in the prevention of torture, as set out in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

117. The Subcommittee recommends that training be introduced for medical personnel working in places of detention, in particular as regards the Istanbul Protocol, the Nelson Mandela Rules and other related international standards.

C. Youth Hostel

118. The Youth Hostel was originally intended only to house children subject to “uncontrollable behaviour” orders (see paras. 41–42 above). However, it now also holds children who are criminal justice detainees and who are irregular migrants. At the time of the visit, the institution housed 25 boys and 21 girls, aged between 12 and 17 years, in separate sections. Although the children have access to social and educational programmes, the general manner of their treatment, the conditions within the Youth Hostel and the excessive use of disciplinary sanctions are all causes of concern. The dormitories where children are accommodated are reminiscent of prison cells: bare rooms of around 10.23 square metres in the boys’ section and 13.33 square metres in the girls’ section, with several spring beds as the only furniture. While some dormitories held just one or two children, others held four, or even seven, as did the dormitory housing migrant children (see paras. 125–126 below). Some of the dormitories, but not all, have a functioning ventilator and lights. All rooms have bars on the windows. Each is triple-locked at night, during which time there is no access to the toilets. Indeed, at the time of the visit, a young boy was locked in his dormitory “for bad behaviour”, which consisted of his having urinated in a cup during the night as he could not access the toilets. Moreover, even the emergency exit in the boys’ section was triple-locked. It is important to recall that in 2015, three girls died in a fire while locked up for punishment purposes. This does not seem to have led to any change of approach to the manner in which children are treated, or the regimes to which they are subjected.

119. The Subcommittee recommends that the security measures put in place within the Youth Hostel be re-evaluated to ensure that they do not put children at risk. In addition, the accommodation at the Youth Hostel should be made more suitable for the needs of children, with adequate lighting and ventilation, and access to proper toilet facilities should be available at all times.

120. In the boys’ showers, there are two closed-circuit television (CCTV) cameras fixed 2.7 metres above the floor angled directly at the shower cubicles, which have no doors. Staff explained that this was done to prevent the boys from escaping through the roof. However, this fails to respect basic principles of privacy and decency.

121. The Subcommittee recommends that the CCTV cameras in the boys’ showers be removed immediately.

²⁸ Ibid., rule 45 (2).

²⁹ Ibid., rule 46.

122. At the time of the visit, 11 girls were undergoing punishment for alleged involvement in an incident some weeks earlier that had led to damage to the unit. The girls were locked in their dormitories during the day, with their mattresses taken away. Indeed, some were actually sleeping on the floor when the Subcommittee visited.

123. Very small rooms were also used for punishment “time outs”. One girl had spent a month in a “time out room” measuring 3.9 square metres. A similar room in the boys’ section measured 3.5 square metres, and at the time of the visit, the room had a temperature of 32°C and 57 per cent humidity. It seems that the Youth Hostel has devised its own system of sanctions, without official authorization.

124. The Subcommittee recommends that State authorities review and regulate the use of disciplinary sanctions within the Youth Hostel in order to ensure that they are used only as a last resort, are proportionate and reflect and respect the vulnerable nature of the children. The use of solitary or prolonged closed confinement should be strictly prohibited, as should the removal of bedding from dormitories.

125. While most dormitories were occupied by just one or two boys, the one used by migrants housed seven children, although it was the same size (10.23 square metres). This appeared discriminatory. There was also evidence of bullying by other children, meaning that the migrant children tended to stay together and not mix with others.

126. The Subcommittee recommends that migrant children not be subjected to discrimination in the provision of accommodation and that measures be taken to ensure their safety and integration within the hostel.

V. Other issues

A. Training, equipment and professionalization

127. In order to ensure the proper treatment of persons deprived of liberty, and to also ensure access to justice, it will be necessary to prioritize training, professionalization and professional development of police officers and prison staff. As regards policing, the lack of training in investigative interviewing and a lack of equipment and resources for evidence collection and analysis fuels a reliance on confession evidence, and with it, an enhanced risk of ill-treatment. As regards Belize Central Prison, staff recruitment is difficult and many of those working with detainees have either inadequate or no prior training. That feeds a “disciplinarian” approach, as ill-prepared staff are unable to cope. Moreover, few staff showed any awareness of the need for preventive measures in order to lessen the risk of torture or ill-treatment.

128. **The Subcommittee recommends that:**

(a) **Training be improved, including in-service training, for police officers in interrogation, evidence collection and analysis techniques. Such training should also address the prevention of torture and ill-treatment;**

(b) **The resources and equipment necessary to conduct forensic investigations should be provided and the over-reliance on confession evidence be addressed;**

(c) **Prison staff should have an adequate standard of education, be provided with appropriate training prior to the commencement of their duties and regular in-service training, with a view to developing a more professionalized approach to prison management and operation. Such training should also address the prevention of torture and ill-treatment;**

(d) **Professional standards for both policing and the prison service be clearly established, reflecting international human rights standards and best practices.**

B. Legal services

129. The number of lawyers specializing in criminal law appears to be very low, totalling just 15 out of the 150 lawyers practising in the country as a whole, with most based in Belize City.

130. **The Subcommittee recommends that measures be taken to increase the number of lawyers available to advise and assist detainees across the country as a whole, and that thought be given to introducing mandatory pro bono schemes to assist persons deprived of their liberty.**

131. **The Subcommittee encourages the State party to seek technical assistance from the Office of the United Nations High Commissioner for Human Rights and financial support from international donors in order to enhance the professionalization of staff in all occupation groups.**

VI. Next steps

132. **The Subcommittee requests that it receive a reply to the present report within six months from the date of its transmission to the Permanent Mission of Belize in New York.** In its reply, it should respond directly to all recommendations and requests for further information made in the report, giving a full account of action already taken, or which is planned to be taken, including timescales to implement them. It should include details concerning the implementation of institution-specific recommendations and more general policy and practice.³⁰

133. Article 15 of the Optional Protocol prohibits any form of sanction or reprisal, from any source, against anyone who has been, or who has sought to be, in contact with the Subcommittee. **The Subcommittee reminds Belize of its obligation to ensure that no such sanctions or reprisals take place and requests that in its reply it provide detailed information concerning the steps it has taken to ensure that this obligation is fulfilled.**

134. The Subcommittee recalls that prevention of torture is a continuing and wide-ranging obligation. **It therefore requests that it be informed of any legislative, regulatory, policy or other relevant developments relating to both the treatment of persons deprived of their liberty and regarding the establishment of the national preventive mechanism, in order to enable the Subcommittee to continue to assist Belize in fulfilling its obligations under the Optional Protocol.**

135. The Subcommittee considers both its visit and the present report to form part of an ongoing process of dialogue. The Subcommittee looks forward to assisting Belize in fulfilling its obligations under the Optional Protocol by providing further advice and technical assistance, in order to achieve their common goal of prevention of torture and ill-treatment in places of deprivation of liberty. The Subcommittee believes that the most efficient and effective way of developing that dialogue would be for it to meet with the national authorities responsible for the implementation of the Subcommittee's recommendations within six months of its receiving the reply to the present report. **The Subcommittee recommends that, in accordance with article 11 of the Optional Protocol, a dialogue between the Subcommittee and the national authorities of Belize that is focused on providing advice and assistance concerning the implementation of the Subcommittee's recommendations be held within six months of the receipt of the reply to the present report.** The Subcommittee further recommends that Belize initiate discussions with the

³⁰ The reply should also conform to the guidelines concerning documentation to be submitted to the human rights treaty bodies established by the General Assembly.

Subcommittee on the arrangements for such a dialogue at the time of the submission of its reply to the present report.³¹

³¹ Belize is encouraged to consider approaching the treaty body capacity-building programme, which may be able to assist with the facilitation of a dialogue process. The contact details for the Fund are:

Treaty Bodies Capacity-Building Programme
Office of the United Nations High Commissioner for Human Rights
Palais des Nations
CH-1211 Geneva 10, Switzerland
Email: hrimplementation@ohchr.org

Annex I

List of officials and other persons with whom the Subcommittee on Prevention of Torture met

Authorities

Wilfred Elrington, Minister of Home Affairs and Foreign Affairs
Patrick Andrews, Chief Executive Officer, Ministry of Foreign Affairs
Ayesha Borland, Director of International Affairs (Policy), Ministry of Foreign Affairs
Orla Coleman, Director of International Affairs (Cooperation), Ministry of Foreign Affairs
Melissa Rodriguez, Foreign Service Officer, Ministry of Foreign Affairs
Elodio Aragon Jr. Minister of State in the Ministry of National Security
Sandra Bowden, Chief Executive Officer, Ministry of National Security (Police)
Alma Pinelo, Belize Coast Guard
Francis Morey, Deputy Director of Health Services, Deputy Director of Ministry of Health
Judith Alpuche, Chief Executive Officer, Ministry of Human Development
Starla Acosta, Director of Community Rehabilitation Department in the Ministry of Human Development
Maurine Williams, Deputy Director of Community Rehabilitation Department in the Ministry of Human Development
Lorine Pott, Immigration Department
Kevin Bautista, Chief Controller, Belize Central Prison
Virgilio Murillo, Chief Executive Officer, Koble Foundation/Belize Central Prison

House of Representatives

John Saldivar, Minister of Defence, Member of Parliament – Belmopan
Frank Mena, Minister of State for Ministry of Public Service, Energy and Public Utilities, Member of Parliament – Dangriga
Eddie Webster, Clerk, National Assembly
Clarita Pech, Deputy Clerk, National Assembly

Supreme Court of Belize

Kenneth A. Benjamin, Chief Justice

Office of the Director of Public Prosecutions

Cecil Ramirez, Senior Crown Counsel, in the absence of the Acting Director of Public Prosecutions, Cheryl-Lynn Vidal

United Nations country team

United Nations country office in Belize
United Nations Children's Fund representatives in Belize
United Nations High Commissioner for Refugees representatives in Belize
United Nations Development Fund representatives in Belize

Donors

Organization of American States
Embassy of Costa Rica
Embassy of the United States of America
European Union
Embassy of Mexico

Civil society

Help for Progress
Human Rights Commission
Belize Coalition for the Human Rights of African Descendants

Annex II

List of places of deprivation of liberty visited by the Subcommittee on Prevention of Torture

Belize Central Prison
Belmopan Police Station
Benque Viejo Police Station
Corozal Town Police Station
Dangriga Police Station
Ladyville Police Station
Orange Walk Police Station
Queen Street Police Station
Racoon Street Police Station
Wagner's facility for juveniles
Youth Hostel
