



**International Convention for
the Protection of All Persons
from Enforced Disappearance**

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Committee on Enforced Disappearances

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**Consideration of reports of States Parties
under article 29 (1) of the Convention**

**Replies of Belize to the list of issues in the absence
of its report due under article 29 (1) of the
Convention***

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* The present document is being issued without formal editing.



List of Abbreviations

AG	Attorney General
AML	Anti Money Laundering
ATIP	Anti Trafficking in Persons
BPD	Belize Police Department
BOOST	Building Opportunity for Our Social Transformation
CAT	Convention Against Cruel Inhuman or Degrading Treatment or Punishment
CEO	Chief Executive Officer
CFT	Counter Financing of Terrorism
CRC	Convention on the Rights of a Child
CSEC	Commercial Sexual Exploitation of Children Act
DHS	Department of Human Services
DPP	Director of Public Prosecution
DV	Domestic Violence
FIU	Financial Intelligence Unit
GBV	Gender-Based Violence
GOB	Government of Belize
GSDS	Growth and Sustainable Development Strategy
HIV	Human Immunodeficiency Virus
HRCB	Human Rights Commission of Belize
HTI	Human Trafficking Institute
ICCPR	International Covenant on Civil and Political Rights
ILO	International Labor Organization
IRC	Inter-Institutional Review Committee
LGBTQIA+	Lesbian, gay, bisexual, transgender, queer (or sometimes questioning), intersex, asexual, and other
MHANGI	Ministry of Home Affairs and New Growth Industries
MHDFSGA	Ministry of Human Development, Family Support, and Gender Affairs
MLTPA	Money Laundering and Terrorism Prevention Act
MOU	Memorandum of Understanding
NAC	National Aids Commission
NCFC	National Committee for Families and Children
NGO	Non-Government Organizations
NHI	National Health Insurance
NHRI	National Human Rights Institution
NMIRF	National Mechanism for Implementation Reporting and Follow-up
NPA	National Plan of Action
NTFSTF	National Targeted Financial Sanctions Task Force
NWC	National Women's Commission

OHCHR	Office of the High Commissioner for Human Rights
OMB	Office of the Ombudsman
PSB	Professional Standards Branch
RD	Refugee Department
REC	Refugee Eligibility Committee
SDG	Sustainable Development Goals
TIP	Trafficking in Persons
TIPPA	Trafficking in Persons Prevention Act
UNHCR	UN High Commissioner for Refugee
UNSCR	United Nations Security Council Resolution
UPR	Universal Periodic Review
VNR	Voluntary National Report

Introduction

1. Belize acceded to the International Convention for the Protection of All Persons from Enforced Disappearance on 14th day of August 2015. In accordance with article 29(1) of the Convention, the Committee on Enforced Disappearances, during its 26th session (19 February to 1 March 2024), adopted a list of issues in the absence of a report, following Rule 50 of its Rules of Procedure. The written responses to the resulting list of issues now provided here constitute Belize's Initial Report to the Committee.
2. The coordination of responses to these issues was led by the Ministry of Home Affairs and New Growth Industries, in collaboration with the Ministry of Foreign Affairs, Foreign Trade, Culture, and Immigration, in coordination with relevant stakeholders. Key ministries contributing to the report included the Attorney General's Ministry, the Ministry of Human Development, Family Support, and Gender Affairs, as well as the Ministry of National Defence and Border Security. The process began with a Cabinet directive mandating the involvement of relevant entities. This was followed by extensive desk research and the circulation of the list of issues to appropriate ministries. Bilateral meetings were also convened where necessary to confirm alignment on the responses. A national validation session, held on the 7th day of July 2025, brought together stakeholders for a comprehensive review of the draft report. The final document received Cabinet approval.
3. In recognition of its international obligations, Belize is actively working to formalize its National Mechanism for Implementation, Reporting, and Follow-up (NMIRF), led by the Inter-Ministerial Review Committee (IRC). The IRC will be responsible for coordinating and preparing national reports to United Nations human rights mechanisms, including the Sustainable Development Goals (SDGs), Voluntary National Reviews (VNRs), treaty bodies, the Universal Periodic Review (UPR), and Special Procedures. Additionally, the IRC will oversee the national follow-up and implementation of treaty obligations and recommendations.
4. By formalizing the IRC, Belize aims to enhance its capacity to translate international commitments into concrete actions and impactful policies, fostering more efficient and effective engagement with the global human rights community.

Reporting Methodology

5. This Initial Report of Belize is the result of a collaborative effort led by the Ministry of Home Affairs & New Growth Industries (MHANGI), in partnership with the Ministry of Foreign Affairs, Trade & Immigration (MFATI). This initiative was spearheaded by the Legal Affairs Unit within the Development and Compliance Branch of the Belize Police Department.
6. Extensive contributions to the drafting process were provided by various ministries, departments, and agencies, including the Ministry of Home Affairs and New Growth Industries and the Ministry of Human Development, Families and Indigenous People's Affairs. Additional input was received from the Attorney General's Ministry, the Cooperation Unit of the Ministry of Foreign Affairs, and the Refugee Department.
7. The drafting process was guided by the List of Issues produced by the Committee on Enforced Disappearances (CED). Written responses from focal points within the relevant ministries were compiled, and bilateral consultations were conducted to ensure that the perspectives and information were accurately captured and reflected in the report.
8. A national validation session was held on the 7th July 2025, ensuring the report was comprehensive and inclusive, with substantial input from key stakeholders.

Replies to the list of issues (CED/C/BLZ/QAR/1)

Reply to paragraph 1

9. Belize acknowledges the importance of the declarations provided for in Articles 31 and 32 of the Convention, which relate to the Committee's competence to receive and consider individual and inter-State communications. While this matter remains under consideration, its adoption requires executive endorsement. At the conclusion of the reporting process, key elements – including identified gaps, pending actions, and progress – will be highlighted and submitted to the Cabinet for instruction on the way forward. This issue will be included for decision as part of that process.

Reply to paragraph 2

10. The Office of the Ombudsman of Belize is a Statutory Body established by section 3 of the Ombudsman Act¹. The Ombudsman operates independently² and reports directly to the National Assembly³. Its mandate includes investigating complaints of corruption, wrongdoing, injustice, injury, or abuse⁴ by state authorities. These authorities include ministries, departments, or agencies of the government; the Belize Police Department; a City Council or Town Council, other statutory bodies or authorities; and companies in which the Government holds a majority share, as declared by the National Assembly⁵:

- In fulfilling its investigative function, the Ombudsman is responsible for protecting constitutional freedoms and upholding the rule of law. However, to date, no complaints related to enforced disappearances or the rights and obligations under the Convention have been received by the Office. Consequently, there have been no specific actions or results concerning such cases.

Reply to paragraph 3

11. Following Belize's Third Universal Periodic Review (UPR) Cycle, the Government, in collaboration with the Office of the High Commissioner for Human Rights (OHCHR) and the Commonwealth Secretariat, conducted a feasibility study on establishing a National Human Rights Institute (NHRI) compliant with the Paris Principles. Consultations across various sectors underscored the need for a well-resourced institution. The assessment was completed in August 2022.

12. As a result, in 2023 the Cabinet granted executive approval to establish a Paris Principles-compliant NHRI. A key outcome of this process is the government's decision to transition the Office of the Ombudsman into the NHRI. This transition involves amending the Ombudsman's mandate and legal framework to ensure full compliance with the Paris Principles, enabling the institution to promote, protect, and monitor human rights situations in Belize effectively.

13. The executive has approved a roadmap for this transition, with implementation already underway. While no definitive timeline has been set, a three-year, \$450,000 project is expected to be launched in 2025 to advance key activities. This project will facilitate the expansion of the Ombudsman's mandate through legislative reforms. Additionally, it will enhance stakeholder engagement and collaboration, foster consensus, and implement measures to ensure the NHRI's long-term sustainability and development.

¹ Chapter 5 of the Substantive Laws of Belize, Revised Edition 2020.

² Section 3(3), *ibid.*

³ Section 21(2), *ibid.*

⁴ Section 12, *ibid.*

⁵ Section 2(1)(a)–(d), *ibid.*

14. To oversee this process, the NHRI Committee, a multi-sectoral technical advisory body, has been established to guide legislative reforms, promote inclusive participation, and align the NHRI with international human rights standards.

15. The NHRI Committee comprises representatives from key government ministries, independent oversight bodies, civil society organizations (CSOs), academia, and international partners. The Attorney General's Ministry, the Ministry of Foreign Affairs, Foreign Trade, Culture and Immigration, the Ministry of Human Development, Family Support and Gender Affairs, and the Office of the Ombudsman lead the regulatory and legislative review. Oversight bodies, including the National AIDS Commission, the Integrity Commission, and the Bar Association, contribute to transparency and accountability. Civil society is represented by organizations such as the Human Rights Commission of Belize, PETAL, and HelpAge Belize, while the Association of Tertiary Level Institutions of Belize (ATLIB) provides academic expertise. The OHCHR serves as an international partner, offering technical guidance and oversight.

Reply to paragraph 4

16. As Belize follows a dualist legal system, the provisions of the Convention do not automatically become part of domestic law upon ratification. To be directly invoked or applied by domestic courts, the provisions must be incorporated into national legislation. While specific laws implementing the Convention have not yet been enacted, the Constitution of Belize (the Constitution), at Sections 4, 5 and 6 guarantees the right to life, liberty and protection of the law respectively, all of which align with the core principles of the Convention⁶. Section 20 of the Constitution allows any person whose right has been, is being, or is likely to be contravened to go before the High Court for redress. This section also allows an individual to approach the Court on behalf of another person who has been detained in contravention of their Right.

17. Apart from Constitutional redress, officers found to have contravened an individual's rights may face disciplinary proceedings.

18. To date, there have been no cases of enforced disappearances as defined by the convention. However, the case of *George Herbert V The Attorney General of Belize* Claim No. 398 of 2003 is instructive on how provisions of the convention can be directly invoked in matters where enforced disappearance is presumed. The facts of this case are that in April of 2003 the United States of America issued a warrant for the arrest of Belizean national George Herbert in relation to charges of conspiracy to commit drug trafficking. A request for extradition was made to Belize however before the warrant for his apprehension could have been signed by the Court and subsequently executed, George Herbert was taken into custody by members of the Belize Police Department and handed over to US officials at the Phillip Goldson International Airport. Herbert was eventually escorted by US officials to the United States and subsequently incarcerated at a US correctional facility. A Supreme Court Claim (now High Court) was filed and the Court concluded that the State violated Herbert's Constitutional Right to Liberty, Freedom of Movement and Protection of the Law. In addition to awarding damages in the sum of thirty thousand dollars (\$30,000.00), the court also directed the State to implement measures to secure the return of Herbert to Belize, including all diplomatic approaches that may be appropriate. The Court also ordered that an inquiry be held into the circumstances of the disappearance of Herbert with a view to instituting disciplinary proceedings against the imputed officials. Whilst this circumstance does not fit neatly within the definition of enforced disappearance since the taking of Herbert was not followed up by a refusal to acknowledge such taking, the court did conclude that he was deprived of his constitutional right to Protection of the Law and liberty and freedom of movement.

⁶ Chapter 4 of the Substantive Laws of Belize Revised Edition 2020.

Reply to paragraph 5

19. Belize does not maintain a registry specifically for missing persons; however, the Belize Police Department does maintain data on missing persons as part of its general crime database. It is to be noted that this is accessible to stakeholders upon request.

20. A compilation of relevant data for individuals located during the reporting period is presented in Table 1 below. However, these reports do not reflect state involvement in the missing person.

21. Regarding enforced disappearance for trafficking in persons, there is a Human Trafficking Management Information System which tracks all data relevant to human trafficking, including reports of missing victims of human trafficking. There are no reports of enforced disappearances for the purpose of trafficking in persons.

22. Similarly, there are no reports of enforced disappearances in the context of migration or the disappearance of migrants.

23. Analysis of all missing persons reports indicates that there was no state involvement in any of the cases. Nonetheless, Belize intends to establish a missing persons' registry that will be able to provide the requisite data in the future.

Persons Reported Missing 2019–2023

<i>Nationality</i>	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>2023</i>
Belizean	115	89	107	106	117
Guatemalan	11	4	1	3	4
Honduran	6	2	3	1	1
Mexican					
Salvadoran	1	1			1
Indian	2	3	2		
Canadian					
Nigerian					
Nicaraguan					
British	1				
Chinese					
Jamaican		1	1		
African		1			
Haitian			1		
Unknown				1	3
Total	136	101	115	111	126
Returned	79	44	48	59	74
Found Dead	3	4	3	4	3

Missing Person by Age

	<i>2019</i>	<i>2020</i>	<i>2021</i>	<i>2022</i>	<i>2023</i>
12 Below	3	2	9	6	8
13–17	50	38	41	38	47
18–22	19	15	10	12	12
23–27	6	13	13	16	11
28–32	11	7	11	8	7
33–37	14	4	3	12	9
38–42	8	5	6	1	4

<i>Missing Person by Age</i>										
		2019		2020		2021		2022		2023
43–50		5		2		7		4		8
51–above		12		7		8		7		13
Unknown		8		8		7		7		7

<i>Missing Person by Gender</i>										
2019		2020		2021		2022		2023		
<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	<i>Male</i>	<i>Female</i>	
72	64	47	54	61	54	66	45	36	90	

Reply to paragraph 6

24. Enforced disappearance cannot be justified under any circumstances under the laws of Belize.

25. Section 18 of the Constitution of Belize outlines the legal framework for declaring a public emergency, which may be invoked during periods of war, internal political instability, or other national crises. A state of emergency occurs where the Governor General makes a proclamation that a state of public emergency exists, or a resolution has been passed by no less than two-thirds of the members of the House of Representatives in the National Assembly that the democratic institutions in Belize are threatened by subversion. Section 18 (10) of the Constitution permits derogation from the below listed rights to effectively manage the crisis, however, the derogation of any of these rights must be reasonably justifiable:

- Section 5: Protection of the right to personal liberty;
- Section 6: Protection of the law;
- Section 8: Protection from slavery and forced labour;
- Section 9: Protection from arbitrary search or entry;
- Section 10: Protection of freedom of movement;
- Section 12: Protection of freedom of expression;
- Section 13: Protection of freedom of assembly and association;
- Section 14: Protection of the right to privacy;
- Section 15: Protection of the right to work;
- Section 16: Protection from discrimination on the grounds of race, etc.;
- Section 17: Protection from deprivation of property.

26. Furthermore, Section 19 provides that each person detained and deprived of their liberty as a consequence of a state of public emergency should be informed within reasonable promptitude or no later than 7 days of the grounds for their detention and given a written statement in English specifying the particulars of those grounds. The detention of such individuals should also be published in a Gazette no later than 14 days after such detention. Section 19 also provides that persons detained under the state of emergency should be brought before an independent and impartial tribunal within 1 month of their detention for their continued detention to be reviewed and for intervals not exceeding 3 months thereafter. The tribunal, chaired by a legal practitioner appointed by the Chief Justice, provides an essential mechanism to prevent arbitrary or prolonged detention, maintaining judicial oversight even in times of national crisis.

27. While Belize has acceded to the International Convention for the Protection of All Persons from Enforced Disappearance (CED), the Convention has not yet been domesticated into national law. Enforced disappearance is not known to occur within the jurisdiction, and in the absence of a specific legal framework addressing this crime – and given the unlikelihood of its occurrence – there are currently no dedicated measures or systems that address enforced disappearance explicitly.

28. Nevertheless, Section 19 of the Constitution provides important safeguards against the arrest, detention, abduction, or any other form of deprivation of liberty by agents of the State or by individuals or groups acting with the authorization, support, or acquiescence of the State, when such acts are followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the person, effectively placing them outside the protection of the law. Given the constitutional requirement to notify individuals of the grounds for their detention and to publicly publish such detentions, such instances do not fall within the definition of enforced disappearance as outlined in the Convention. For periods outside of a state of emergency, Section 5 (2) (d) of the Constitution allows for the remedy of habeas corpus, a writ requiring a person under arrest to be brought before a judge or into court, especially to secure the person's release unless lawful grounds are shown for their detention.

29. This notwithstanding, the technical working group responsible for this report under the CED recognizes the importance of establishing comprehensive legal guarantees to prevent enforced disappearance, including under exceptional circumstances. While existing constitutional safeguards address many of the risks associated with arbitrary detention or concealment of a person's whereabouts, these protections are not framed under the specific terminology or legal construct of "enforced disappearance", as the Convention has not yet been domesticated. Consequently, the term does not currently appear within the Constitution or national legislation. In recognition of the relevance and importance of aligning domestic law with the obligations under the Convention, Belize intends to propose to Cabinet the consideration of domestication of the Convention, as well as the strengthening of legal safeguards through the introduction of a specific provision explicitly guaranteeing that no derogation from the right not to be subjected to enforced disappearance shall be permitted under any circumstances, including during a state of emergency.

Reply to paragraph 7

30. To date, no steps have been taken to domesticate the convention or incorporate enforced disappearance as an autonomous offence in Belize's domestic criminal legislation in accordance with the definition set out in Article 2 of the Convention. While there have been no reported cases of enforced disappearance in the jurisdiction within the meaning of the Convention, Belize, as a signatory, fully acknowledges its international obligations under the treaty.

31. In this regard, the technical working group responsible for preparing this report under the Convention on Enforced Disappearances intends to submit a proposal to the Cabinet for executive decision, recommending the incorporation of enforced disappearance as an autonomous offence in domestic law. This would include adopting a clear legal definition consistent with Article 2 of the Convention, thereby strengthening the national legal framework to ensure complete alignment with the State's treaty commitments. All proposals will be submitted upon the completion of the report before August 2025.

32. Section 5 of the Constitution affords every person the right to liberty and protection of the law. A person's liberty can only be deprived by the state in accordance with law. The arrest and detention of every person must be carried out in conformity with Section 5 of the Constitution and the Commissioner's Guidelines for Care and Treatment of Persons in Detention. These generally provide that all persons must be afforded the opportunity to speak with a legal practitioner of their choice and should be informed of their detention. They should also be brought before the Court no later than 48 hours after such detention or be released from detention.

33. As it relates to civil recourse, court action can be taken through section 20 of the Constitution for the violation of the constitutional right to liberty and protection of the law. If the Court determines that a breach of the right to liberty occurred, it may award damages to compensate for the violation of the right. It may also make orders requiring the release and a commission of enquiry to be conducted in relation to the state officials who are suspected to have participated in the imputed activity.

34. Belize acknowledges the importance of criminalizing enforced disappearance as a crime against humanity in accordance with the standards outlined in Article 5 of the Convention. In this regard, the matter will be submitted to the executive for further deliberation and determination of the way forward. The government remains committed to addressing this obligation and will proceed within the remit of its available resources to ensure alignment with the provisions of the Convention.

Reply to paragraph 8

35. Sections 75, 76 and 77 of the Criminal Code⁷, prohibits Kidnapping, Stealing of a Person and Abduction respectively. These are all criminal offences that relate to the taking of a person without that person's consent. The criminal penalty upon conviction is no less than 10 years imprisonment but can extend to life imprisonment. As it relates to aggravating and mitigating circumstances, generally, whenever the court is arriving at a sentence, it must always consider the aggravating and mitigating factors of both the offence and the offender. Aggravating circumstances include: premeditation, prevalence of offence, vulnerability of the victim, use of weapon, multiple victims, cruelty, abuse of position of trust, impact on the victim and previous convictions ect. Mitigating circumstances would be generally whether there was remorse, youth and lack of prior record. Further to this, The Criminal Procedure (Plea Discussion and Plea Agreement) Act⁸ provides an opportunity for reduced sentences in exchange for information. Consequently, in keeping with Article 7 of the convention, in a case involving enforced disappearance, persons before the court can provide information leading to the recovery of missing persons in exchange for mitigated sentences.

Reply to paragraph 9

36. There is no unified and operational register of missing persons. Whenever a person is reported missing, that report is entered into the Crimes Information Management Systems Database and a missing persons poster is compiled and disseminated. If there is suspicion that the missing person may have been taken outside of the country, the applicable international police organization would be contacted for further dissemination. Whenever an unidentified body is found, DNA samples are taken from the person and their burial location is logged. Persons who believe that they may be a relative of the unidentified deceased can come forward and provide DNA samples which will be outsourced internationally for comparative testing.

Reply to paragraph 10

37. There have been no reports of persons or groups of persons involved in the enforced disappearance of persons. Enforced disappearance is not a crime that is known to occur within the jurisdiction, and there is currently no specific legal or institutional framework in place to address it. While Belize has acceded to the International Convention for the Protection of All Persons from Enforced Disappearance (CED), the Convention has not yet been domesticated into national legislation. However, the State acknowledges the importance of establishing appropriate mechanisms and policies to address such a crime should it arise. The need for a national framework to address enforced disappearance is recognized and will be proposed to Cabinet for its consideration. Additionally, the Country of Belize continues to improve their competency to address the issue of human trafficking. The Belize Police

⁷ Chapter 101 of the Substantive Laws of Belize, Revised Edition 2020.

⁸ No. 12 of 2024.

Department has a specialised anti-trafficking in persons unit dedicated solely to investigating human trafficking and human smuggling cases and identifying victims of the crime. The cases of human trafficking investigated do not disclose enforced disappearance in the context of Article 2 of the Convention.

Reply to paragraph 11

38. There is no domestic criminal legislation that explicitly provides for enforced disappearances; however, such conduct is prohibited by the provisions of the constitution related to the right to liberty and protection of the law. There are also provisions of the constitution which prohibit the unlawful taking of a person without their consent. As it relates to whether there are legislations that protect or penalize individuals who partake or refuse to partake in enforced disappearances, it is well established that any command that is unconstitutional is unlawful and should not be adhered to. Consequently, the failure to adhere to an unlawful command cannot be held against an individual officer. If public officials feel victimized for failing to adhere to an unlawful command, they may avail themselves of grievance procedures both within and outside their specific organization. Where they believe that their complaint was not adequately ventilated through relevant grievance procedure, they may approach the court on an application for judicial review into administrative action.

Reply to paragraph 12

39. There has been no official report relating to enforced disappearance in the posed context. Whenever a missing person report is made to the police, a missing person poster is made, and it is widely disseminated. Further to this, there are instances where awards are offered relating to the information leading to the whereabouts of the missing person. Missing persons reports are dealt with by the Crimes Investigation Branch of the Belize Police Department, whereby investigators follow up leads. The Belize Police Department has a Missing Persons Policy which commences with the taking of reports and the promulgation of All Points Bulletin and communication to ports of entry and extends to the opening of a casefile in relation to the disappearance of that person.

Reply to paragraph 13

40. There is currently no domestic legislation that specifically addresses enforced disappearance. Whilst Belize takes the necessary steps to implement such legislation, the applicable criminal provisions that can be invoked are all indictable or hybrid offences and as such, they do not have a statute of limitations. As it relates to civil matters, the statute of limitations is one year from the date on which the cause of action accrued. In keeping with Article 8 (b) of the Convention, where the act, neglect or default that necessitated the cause of action is a continuing one, a statute of limitation does not start to run until the act, neglect or default has ceased.

Reply to paragraph 14

41. Belize's current domestic legal framework does not contain a specific offence of enforced disappearance. However, the absence of such express provision is weighed against the fact that enforced disappearance is uncommon in this jurisdiction and that there is Constitutional and Criminal recourse available to identify and punish the connected offences.

42. The three core elements of enforced disappearance are as follows: first, there is the deprivation of liberty against the will of the person. Second, the involvement of Government officials, at least by acquiescence. Third, the refusal to acknowledge the deprivation of liberty or concealment of fate and/or whereabouts of the disappeared person.

43. It is submitted that these elements are sufficiently regulated under the Constitution of Belize⁹, ('the Constitution') and the Criminal Code¹⁰, ('the Criminal Code') at this time.

44. Firstly, Belize establishes its competence to deal with connected offences through the constitutional guarantee of protection of Fundamental Rights and Freedoms. Of particular importance to the topic at hand, is that every person in Belize enjoys the constitutionally entrenched protection of his right to liberty¹¹ and the protection of the law¹² among other international human rights.

45. The protection of liberty is the right to be free from arbitrary arrest or detention, and to be free from the unlawful deprivation of liberty. Section 5 of the Constitution contains various mechanisms to safeguard against every person's arbitrary arrest or detention in Belize.

46. However, Section 5 also provides remedies for a breach of a person's right to liberty. For instance, Section 5(2)(d) provides that "Any person who is arrested or detained shall be entitled, to the remedy by way of Habeas Corpus for determining the validity of his detention". The application for writ of habeas corpus can be brought by the legal representative of the individual or a family member where they believe he has been unlawfully arrested or detained or where they are not being informed where he is detained. This provision gives the court the power to order that the individual be brought before the court and also that the holding place of the individual be disclosed. Further, if the court is not satisfied that the arrest or detention was lawful, the court is empowered to order the person's immediate release.

47. In addition to being released in accordance with section 5(2), the court is also empowered to order that the individual be compensated. This is in line with section 5(6), which provides that "any person who is unlawfully arrested or detained by any other person shall be entitled to compensation therefore from that other person or from any other person or authority on whose behalf that other person was acting..."

48. Furthermore, under section 6 of the Constitution, every person is also entitled to the protection of the law. Since every person in Belize is entitled to the protection of the laws of Belize, an unlawful arrest or detention of an individual will effectively remove them from this protection. Such unlawful removal may be punished by the courts in accordance with section 20 of the Constitution.

49. Section 20 provides for the enforcement of these protective provisions and gives the court the power to award an appropriate remedy based on the circumstances which includes, but is not limited to, compensatory and vindictory damages.

50. Accordingly, it is submitted that anyone, including public officers and/or law enforcement officers, who breaches the right to the protection of liberty and/or right to protection of the law of any person in Belize by unlawfully arresting or detaining them, and consequently removing them from the protection of the law of Belize, may be liable to compensate that person for such breach.

51. This position is reflected in the Belize High Court matter of *George Enrique Herbert v the Attorney General*¹³, a matter in which the Family of Mr. Herbert sued the Government of Belize for his unlawful removal from Belize which they contended was as a result of the actions of members of the Belize Police Department.

52. Chief Justice Abdulai Conteh, as he then was, found that Mr. Herbert's rights under sections 5(1), 6(1) and 10(1) of the Constitution were contravened in circumstances in which members of the Belize Police Department delivered him to US Law enforcement officials at the Phillip Goldson International Airport resulting in him forcibly being taken to the United States of America.

53. In relation to section 20, the Chief Justice noted, "The [breadth] and potential of this provision in the hands of the court cannot be underestimated. It enables the court, in a case

⁹ Cap 4 of the Substantive Laws of Belize, Revised Edition 2020.

¹⁰ Cap 101 of the Substantive Laws of Belize, Revised Edition 2020.

¹¹ Section 5 of the Constitution of Belize, Cap 4 of the Substantive Laws of Belize, R.E. 2020.

¹² Section 6 of the Constitution of Belize, Cap 4 of the Substantive Laws of Belize, R.E. 2020.

¹³ Action No. 398 of 2003, judgment delivered 24 October 2003, (Supreme Court of Belize).

where a contravention of fundamental rights is established, to fashion a remedy in order to do whatever it thinks appropriate for the purpose of enforcing or securing the enforcement of any of the Constitution's provisions dealing with fundamental rights."

54. Mr. Herbert was awarded thirty thousand Belize dollars (30,000.00 BZD) in damages for the breaches of his Constitutional Rights and five thousand (5,000.00 BZD) in court costs. In addition, the Chief Justice also directed that the Government of Belize put measures in place to secure Mr. Herbert's safe return to Belize.

55. Secondly, the Criminal Code also contains mechanisms to adequately punish anyone responsible for the deprivation of another's liberty against their will. This is done by criminalizing acts such as kidnapping¹⁴, stealing of a person¹⁵ and abduction¹⁶. All these offences are punishable by a minimum of 10 years and a maximum of life imprisonment.

56. In light of the foregoing, it is posited that the current mechanisms are adequate to establish the jurisdiction of Belize's judicial and law enforcement authorities over offences connected to the offence of enforced disappearance in the cases contemplated in Article 9 (1) and (2) of the Convention (art. 9).

Reply to paragraph 15

57. There is currently no domestic legislation that specifically criminalizes enforced disappearance in the context of the convention. However, there are provisions of the criminal code that can be utilized to prosecute alleged offenders. The law allows alleged offenders to be detained for up to 48 hours for investigative purposes. If charged and taken before the Court, except if the enforced disappearance resulted in murder, they are likely to be granted bail on specified conditions pending trial.

58. As it relates to the conduct of commission of inquiries, in Belize, the legal framework for establishing and conducting commissions of inquiry is primarily governed by the Commissions of Inquiry Act¹⁷. Commissions of inquiry are established to investigate specific matters of public interest, such as the conduct of public officers, departments, or specific events. The Minister may issue a commission appointing one or more commissioners, authorizing them to conduct the inquiry. These commissioners have the same powers as a Judge of the High Court regarding witness attendance, examination, and document production.

59. The Belize Constitution (Public Service) Regulations¹⁸, provides for the discipline of public officers which allows for interdiction, suspension and dismissal. In addition to this, the Law enforcement agencies such as the Belize Police Department¹⁹, the Belize Defence Force²⁰ and the National Coast Guard²¹ of Belize all have internal disciplinary mechanisms.

Reply to paragraph 16

60. Military authorities are not competent under domestic legislation to investigate nor to prosecute alleged cases of enforced disappearance. The entity that is responsible for the investigation of alleged cases of enforced disappearance is the Belize Police Department. The prosecution of such cases would be done by the office of the Director of Public Prosecutions.

¹⁴ Section 75 of the Criminal Code, Cap 101 of the Substantive Laws of Belize, R.E. 2020.

¹⁵ Section 76 of the Criminal Code, Cap 101 of the Substantive Laws of Belize, R.E. 2020.

¹⁶ Section 77 of the Criminal Code, Cap 101 of the Substantive Laws of Belize, R.E. 2020.

¹⁷ Chapter 127, Revised Edition 2020.

¹⁸ 2014.

¹⁹ Section 24 of the Police Act, Chapter 138 of the Substantive Laws of Belize, Revised Edition 2020.

²⁰ Part 4 of the Defence Act, Chapter 135 of the Substantive Laws of Belize, Revised Edition 2020.

²¹ Belize Coast Guard Regulations Chapter 131 of the Subsidiary Laws of Belize, Revised Edition 2020.

Reply to paragraph 17

61. The Belize Police Department is the authority responsible for receiving complaints and investigating cases of alleged enforced disappearance. The reporting of such cases can be done by any person, whereby an investigation would be triggered. Where the Belize Police Department refuses to receive a complaint or refuses to investigate, a complaint can be made to the Office of the Ombudsman. The office of the Ombudsman is also an authority that can receive a complaint of alleged enforced disappearance. The Ombudsman in Belize is a Parliamentary Commissioner who investigates complaints of corruption, wrongdoing, injustice, injury, or abuse by a governmental authority, officer, or member thereof, and makes recommendations for corrective action²².

Reply to paragraph 18

62. The Extradition Act, Chapter 112 of the Substantive Laws of Belize, R.E. 2003, ('2003 Extradition Act') was repealed and replaced. The Extradition Act, No. 31 of 2023, ('Extradition Act') is now the law that regulates the extradition process and proceedings in Belize.

63. Yes, the Extradition Act contains provisions which may be invoked for the purposes of seeking extradition in cases of enforced disappearance. Particularly, section 26 provides for international conventions, to which Belize is a party, to be relied on as the basis of general extradition proceedings between Belize and the foreign state. Thus, the extradition between Belize and a foreign state will be carried out in line with Article 13 of the Convention.

64. Enforced disappearance is not deemed as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition based on such an offence may not be refused on these grounds alone.

65. Belize has not concluded any extradition agreements since the Convention entered into force. The Convention was entered into force on the 23rd day of December 2010. The two existing extradition treaties: The Extradition Treaty between the Government of Belize and the Government of the United States of America, concluded on the 30th day of March 2000, and The Extradition Treaty between the Government of Belize and the Government of the United Mexican States, concluded on the 29th day of August 1988, both predate the convention.

66. Although section 5 of the Extradition Act allows for extradition Agreements to be concluded between Belize and a foreign state, no such agreements have been concluded to date. Similarly, no extradition agreements have been concluded under section 26 to date. Therefore, there is no information to provide on extradition agreements with other State parties that may have been concluded since the entry into force of the Convention.

67. No limitations are applied in relation to requests for mutual legal assistance or cooperation concerning articles 14, 15 and 25(3). This will be further detailed below:

68. Belize has signed and ratified several international and regional mutual legal assistance agreements. These include the Treaty Between the Government of Belize and the Government of the United States of America on Mutual Legal Assistance in Criminal Matters²³, the Caribbean Treaty on Mutual Legal Assistance in Serious Criminal Matters²⁴, the Treaty on Mutual Legal Assistance in Criminal Matters Between the Government of the Republic of China (Taiwan) and the Government of Belize²⁵, the United Nations Convention Against Corruption²⁶, the United Nations Convention against Transnational Organized

²² See also, response to para 2 of the list of issues.

²³ 30 March 2000.

²⁴ 14 January 2006.

²⁵ 28 September 2020.

²⁶ UN General Assembly, United Nations Convention Against Corruption, A/58/422, 31 October 2003.

Crime²⁷ and the United Nations Convention on Illicit Traffic in Narcotic Drugs and Psychotropic Substances²⁸.

69. These Conventions have been incorporated into the national legislation of Belize through the following domestic acts: the Mutual Legal Assistance in Criminal Matters (Belize/USA) Act²⁹, the Mutual Legal Assistance and International Co-operation Act³⁰ and the Caribbean Treaty on Mutual Legal Assistance in Serious Criminal Matters Act³¹, respectively.

70. Article 14 concerns the limitations on the supply of evidence for proceedings for enforced disappearance and conditions in relation to grounds for refusal of mutual legal assistance request.

71. In the above-named treaties and acts, the main limitation is that Belize is entitled to refuse a request for mutual legal assistance where the request is not made in connection with an ongoing criminal investigation or criminal proceedings. However, a mutual legal assistance request may also be refused if it contradicts the Constitution of Belize, would prejudice the security or other essential public interests of Belize, if the offence is political or if it is not made in conformity with the relevant acts.

72. A mutual legal assistance request must include information relevant to the ongoing criminal matter, the description of the individual the request is related to, the offence the individual is accused of committing, the foreign legislation regulating such offence, the requesting entity and any procedures the requesting entity wishes to be followed in gathering the evidence³².

73. The main conditions imposed on mutual legal assistance requests is that the Requesting State must not use or disclose information obtained during the request for purposes other than those specified in the request³³ and that the Requesting State shall use its best efforts to keep confidential the request for assistance, its contents, supporting documents and the fact of granting assistance³⁴.

74. Based on an examination of the foregoing, it is submitted that these discretionary powers of refusal in the mutual legal assistance treaties and acts are in line with Article 14. Therefore, a mutual legal assistance request can be made to Belize based on the Convention and would be subjected to no more stringent limitations or conditions than those in the Convention.

75. Article 15 stipulates that the greatest measure of mutual assistance is given by State parties to victims of enforced disappearance including searching for, locating and releasing disappeared persons and in the event of death exhuming and identifying them and returning their remains.

76. These efforts are already regulated under the named treaties and acts and there is no existing restriction posed where the efforts are requested concerning disappeared persons. Therefore, it is submitted that there are no limitations applied to requests for mutual legal assistance or cooperation under the terms established by Article 15.

77. However, where the assistance requested is for a body to be exhumed and transported, it may be subject to the condition that related costs are covered by the requesting state.

²⁷ UN General Assembly, United Nations Convention against Transnational Organized Crime, 15 November 2000.

²⁸ Vienna, 20 December 1988.

²⁹ Cap 103:01, Substantive Laws of Belize, R.E. 2020.

³⁰ Cap 103:04, Substantive Laws of Belize, R.E. 2020.

³¹ Cap 17:05, Substantive Laws of Belize, R.E. 2020.

³² Sections 6,7 and 10 of the Mutual Legal Assistance and International Co-operation Act, Cap 103:04, Substantive Laws of Belize, R.E. 2020; Article 3(1) United States of America on Mutual Legal Assistance in Criminal Matters, 30 March 2000.

³³ Article 8 of the Caribbean Treaty on Mutual Legal Assistance in Serious Criminal Matters, 14 January 2006.

³⁴ Article 9 of the Caribbean Treaty on Mutual Legal Assistance in Serious Criminal Matters, 14 January 2006.

78. Article 25 provides the necessary measures to be taken by State parties to prevent and punish the wrongful removal of a child who is subjected to enforced disappearance.

79. The Criminal Code of Belize penalizes the unlawful removal of a child under any circumstance. Section 75 of the Criminal code provides, “Every person who takes another person... from the control of his parent or guardian; or unlawfully holds a person captive and takes him out of the jurisdiction of the courts without his consent or detains a person against his will, by use of force, threat of force or deception without a lawful excuse, is liable on conviction on indictment to imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life”.

80. In addition, Section 77A of the Criminal Code provides, “Every person who unlawfully removes or takes a person under the age of eighteen away from the lawful control, care or guardianship or responsibility of another, with intent to permanently or temporarily deprive the child of his freedom by use of persuasion, deception or fraud, commits the offence of abduction of a child and shall be liable on conviction on indictment to a term of imprisonment for a term of ten years”.

81. Therefore, these provisions can be relied on to prevent and punish anyone including state actors or non-state actors (with the support or acquiescence of the Government) from removal of a child who is subjected to enforced disappearance.

82. The Criminal Code also penalizes the falsification, concealment or destruction of documents attesting to the true identity of the disappeared child. Section 20 of the Criminal Code prohibits any act done “for the purpose of aiding, facilitating, encouraging or promoting the commission of a crime by another person whether known or unknown, certain or uncertain.

83. Accordingly, any person who abets a crime shall be punishable on indictment in the same manner as the person who commits the crime. Thus, if someone aids, or facilitates the unlawful removal or detention of a child by falsifying, concealing or destroying documents attesting to the true identity of the disappeared children, that person may also be penalized and may be punished by imprisonment for a minimum of ten years and a maximum of life imprisonment.

84. In relation to measures to assist in searching for, identifying and locating missing children all measures discussed above in relation to mutual legal assistance for missing persons are available.

85. Based on the above, it is submitted that the limitations in relation to section 25 are trivial.

86. Request for International Cooperation: Belize has not made or received any requests for international cooperation in respect of cases of enforced disappearance since the entry into force of the Convention.

Reply to paragraph 19

87. Belize’s legal framework explicitly prohibits the expulsion, return, surrender, or extradition of individuals when there are substantial grounds to believe that their fundamental rights or freedom may be violated. The Constitution guarantees the protection of fundamental rights, including the right to life³⁵ and protection from torture, inhuman, or degrading treatment³⁶. These protections apply to all persons within Belize, and anyone fearing that their extradition or expulsion would violate these rights can seek redress through the Supreme Court under Section 20 of the Constitution.

88. In *Rhett Allen Fuller v The Attorney General of Belize*³⁷, the Privy Council established that extradition would be unlawful if it infringed upon fundamental rights. This decision confirms that extradition must be consistent with constitutional protections.

³⁵ Section 4 of the Constitution, Chapter 4 of the Substantive Laws of Belize, Revised Edition 2020.

³⁶ Section 7 of the Constitution, Chapter 4 of the Substantive Laws of Belize, Revised Edition 2020.

³⁷ [2011] UK PC 23.

Similarly, in *Karol Mello v The Commissioner of Police and Superintendent of Prisons*³⁸, the Belizean court ruled that the detention of Karol Mello, a Slovak National, under an Expulsion Order was unlawful due to the lack of an extradition treaty between Belize and Slovakia. This case highlights the importance of following due process in extradition and expulsion procedures.

89. Additionally, Belize's Refugees Act³⁹, which incorporates the principles of the 1961 UN Refugee Convention and its 1967 Protocol, prohibits the return or expulsion of individuals to countries where their lives or freedom would be threatened. Section 14 of the Refugees Act offers expansive protection to refugees and their families, ensuring they cannot be expelled or returned to situations where they may face persecution.

90. Section 14 (a) provides:

“ (a) [If] owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, he is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; (b) not having a nationality and being outside the country of his former habitual residence, he is unable or, owing to a well-founded fear of being persecuted for reasons of race, religion, membership of a particular social group or political opinion, is unwilling to return to it; or (c) owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, he is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.”

91. The Refugees Department, in collaboration with the UNHCR, follows strict protocols to process and protect asylum seekers, including vulnerable individuals such as victims of trafficking and survivors of torture.

92. A crucial aspect of assessing asylum cases is evaluating the reach and influence of the agents of persecution, including state actors within the country of origin. This assessment is vital for protecting asylum seekers from the risk of enforced disappearance. By thoroughly examining the capacity and reach of these agents, authorities can determine whether an asylum seeker is at significant risk of being subjected to enforced disappearance if returned to their home country. This evaluation ensures that individuals who face credible threats from powerful or influential state agents are safeguarded, thereby upholding their right to protection and preventing their potential abduction or disappearance upon return.

93. Belize also provides mechanisms for appeal in cases where refugee status is denied. Under Section 9 of the Refugees Act, individuals can appeal to the Minister, and the decision during the appeal process has a suspensive effect, allowing individuals to remain in Belize until all legal avenues have been exhausted. This ensures that expulsion does not occur while an appeal is pending further aligning Belize's laws with international human rights standards.

Reply to paragraph 20

94. All persons who are detained are issued an Acknowledgement form which outlines the detained or arrested persons' constitutional rights whilst in custody. This form is a product of the Commissioner of Police Guidelines for the care and treatment of persons in Police Detention. In addition to this, at all the police detention cells countrywide, there are posters outlining the rights of detainees which are visible to all persons who enter Police stations. The Acknowledgement Form is read to the detained person in a language that they understand and they are asked to sign if they have been afforded the opportunity to duly exercise those rights. The rights of a detained person include being provided with the opportunity to communicate with an attorney or family member of their choosing and also to be informed of their reason for arrest and detention. Detained persons, who are not released before the expiration of 48 hours after such detention, are to be taken before the Courts for adjudication

³⁸ Claim No. 388 of 2012.

³⁹ Chapter 165 of the Substantive Laws of Belize, Revised Edition 2020.

as to the merits of their detention. The Courts of Belize have been clear on their stance as it relates to police detaining persons for investigative purposes highlighting that even though the constitution affords police officers to detain persons up to 48 hours without any charges having been levied, the appropriateness of any detention is assessed on a minute to minute basis. Whereas the police have the authority to detain a person for up to 48 hours, the detained individual should be released as soon as the Officer is aware that no charge will follow. So, for example, if after the first 3 hours of a suspect's detention it becomes apparent that it is no longer necessary to detain such a person, then that person must be released.

95. In 2022, the Ministry of Home Affairs and New Growth Industries reinstituted the Visiting Justices Program at the Kolbe Foundation, Belize Central Prison. The program involves appointed justices of the peace, the Ombudsman, and a magistrate conducting routine visits to the prison, aligning with the Prisons Act Part V. The primary purpose of these visits is to assess the overall welfare of inmates. The Visiting Justices are tasked with:

(a) Hearing and investigating prisoners' complaints and reporting their findings and opinions to the Superintendent or, if necessary, to the Minister;

(b) Examining reports concerning prisoners; mental or physical well-being endangered by prison conditions, communicating their opinions to the Minister, and making recommendations to the Superintendent if the situation is not urgent;

(c) Inspecting the prisoner's diet and reporting their observations and recommendations to the Superintendent or the Minister.

96. The OMB undertakes routine check-ins at the facility to receive complaints.

97. The Belize Police Department also has a Policy in relation to the Arrest and Detention of Foreign Nationals. This Policy includes informing the person that they can communicate with their Consulate Officers and where the foreign national is from a country of listed as Mandatory Notification Country, the Police officer must also notify the nearest consulate without delay, make a record of such notification in the station diary, provide all information surrounding the arrest or detention of the foreign national to the Consular Officer of the Foreign office and then make an entry in the station diary to that effect. Police must also allow consular officers access to the detained persons.

98. When Foreign Nationals from countries where a consulate or embassy is not listed are arrested or detained, the arresting or detaining officer shall inform the arrestee or detainee without delay that he or she may have Consular Officers notified of their arrest or detention. Consular Officers are entitled to in-person communication with their Nationals in detention and to provide assistance, which includes legal representation. When a guardianship or trusteeship is being considered with respect to a Foreign National who is a minor or an incompetent adult, a Social Worker along with Consular Officers, must be notified by the reporting officer. When a foreign ship wrecks or a foreign aircraft crashes in Belize, the reporting officer must notify the Consulate.

99. There is no data to suggest that foreigners have been denied these protections.

Reply to paragraph 21

100. The Belize Police Department Policies and Procedures Manual provides that when any person is brought to a police station under arrest or in detention, a custody record must be created. This must record the treatment of that person in custody. Each entry on the record shall be timed and signed by the officer making the entry. One custody record must be made for each person in custody. If that person is transferred to another police station, the custody record must be accessible at that other station and the details of the transfer must be recorded. A person's custody record shall be closed only when that person is released from police detention, whether charged with a criminal offence or not. The person shall be entitled to a copy of their custody record upon request. This entitlement lasts for 12 months after release and records are kept for up to six years after such detention.

Reply to paragraph 22

101. Section 20 of the Constitution, which is the redress mechanism expressly allows a third party with legitimate interest to come before the court to challenge the lawfulness of the detention of any person.

102. Enforced disappearance is not a phenomenon that exists in Belize. At present there is no mechanism specifically dedicated to imposing sanctions for the delay or obstruction of remedies. However, the Constitution of Belize, which the supreme law of the land, entitles any person which includes an organization the right to approach the court for redress where it is that is believe that a person's right to liberty has been, is being or is likely to be infringed. A habeas Corpus application can be filed at the High Court of Belize which are typically considered urgent, as they deal with the unlawful detention of an individual. Courts usually prioritize these cases due to the fundamental right to personal liberty. Consequently, they are heard sometimes within hours or no later than a few days after they have been duly filed. The filing of such an application must be done by an Attorney at Law.

Reply to paragraph 23

103. Persons detained at pre-arraignment detention are able to speak with their legal counsel or a family member in order to give instructions. Persons detained subsequent to arraignment, be it on remand or to serve a sentence, are entitled to visits at the Belize Central Prison daily so long as the individual is on the visitors list of the detained individual. Further to this, the Legal Counsel or Family member may write to the office of the Commissioner of Police requesting the information as listed in the Article 18 (1) of the Convention.

Reply to paragraph 24

104. While human rights trainings for newly recruited national security officers, judges, lawyers, and law enforcement personnel are ongoing and address critical issues, the focus has primarily been on topics prevalent within the country, inter alia such as the excessive use of force, identification and support for trafficking victims, and gender-based violence. As it relates to the Belize Police Department, recruit training includes a human rights component that emphasizes the treatment of persons in police custody. This training underscores the rights of detained individuals, such as their right to communicate with an attorney of their choice and to have the validity of their detention assessed by a court if they are not released within 48 hours. While this training does not specifically address enforced disappearances, it is designed to protect the constitutional rights of detainees.

105. However, these sessions have not yet included specific training on enforced disappearances or the provisions of the International Convention for the Protection of All Persons from Enforced Disappearance (CED).

106. Incidents of enforced disappearance are rare in this jurisdiction, and constitutional and criminal mechanisms are in place to address and penalize related offenses. Nonetheless, the State Party acknowledges the importance of preventive measures, including specialized training on the CED. To this end, the Belize is open to incorporating such specialized training in the future and to work closely with the Office of the High Commissioner for Human Rights (OHCHR) to develop and implement training programs tailored to the requirements of Article 23 of the Convention.

107. Belize has not recorded any cases of enforced disappearance. Additionally, specific protections are in place for child victims, including those who may emerge from circumstances related to enforced disappearance. Several pieces of legislation emphasize the best interests of the child as a primary consideration. These include the Belize Family Law Act, the Senior Court Act, the Hague Convention for Intercountry Adoption, and the Registration of Births and Deaths Act, all of which safeguard the rights and well-being of children. These legal instruments would be applicable to child victims of enforced disappearance, ensuring their rights and best interests are upheld.

Reply to paragraph 25

108. There is no Domestic legislation for enforced disappearance. However, all persons in Belize are entitled to constitutional rights under the Belize Constitution, which allows for the protection of individual liberties and rights. In the absence of dedicated enforced disappearance legislation, constitutional provisions serve as the primary source of protection in addition to provisions of the criminal code which relates to the taking of a person without their consent.

109. Reparation and Compensation for violations of constitutional rights are provided through judicial remedies. Although there are no specific provisions for enforced disappearance, the George Herbert case (George Herbert v. The Attorney General of Belize, Claim No. 398 of 2003) illustrates how the judiciary addresses cases that may resemble enforced disappearance in civil proceedings. While not identical to enforced disappearance under the Convention, this case demonstrates the types of reparation available which includes damages, restitution, and institutional measures to prevent recurrence.

110. The responsibility for compensation and reparation typically rests with the State, as exemplified in the George Herbert case, where the Belizean government was required to provide compensation and undertake actions to rectify the harm caused. As earlier stated, the recourse for reparation by way compensation is by constitutional claim, therefore it is not contingent upon criminal conviction. As it relates to the timeframe Section 27 of the Limitations Act requires every person to bring their matter before the court within 12 months commencing the date that the cause of action arose. However, if the imputed conduct occurs over an extended period of time, the time limit does not start to run until the imputed conduct is ceased.

Reply to paragraph 26

111. The Missing Person's Policy of the Belize Police Department mandates officers to undertake a specific course of action whenever a missing person report is made. The filing of an official missing person report is not challenging as police officers are accessible countrywide.

Initial Report and Investigation

Filing a Report

112. When a person is reported missing, the first step is to file a missing persons report with the Police. This can be done by the family, friends, or any concerned party at the nearest police station.

No Waiting Period

113. Contrary to some jurisdictions, there is no waiting period to file a missing persons report in Belize. Individuals can report someone missing immediately, especially if there are concerns about the person's safety or if the disappearance seems suspicious.

Information Gathering

114. The police will collect as much information as possible, such as:

- (a) Full name, age, and physical description of the missing person.
- (b) Last known location and time.
- (c) Possible reasons for the disappearance (e.g., recent arguments, mental health concerns, involvement in criminal activity).
- (d) Possible witnesses or last contacts.

Search and Rescue Operations

115. Depending on the circumstances of the disappearance, the police may initiate search operations. This can involve looking through the missing person's known locations, checking hospitals, and asking for information from the public.

Cooperation with Other Agencies

116. The police may coordinate with other entities such as local emergency services, volunteers, and possibly even military or national security if the situation involves large-scale searches.

Public Appeals

117. If the case warrants, the police may release a public appeal, often through media outlets or social media, to solicit information from the public.

Investigation of Foul Play or Criminal Involvement*Foul Play Investigation*

118. If there is any indication that the disappearance is related to criminal activity (e.g., abduction, trafficking, or foul play), the police will launch a more intensive criminal investigation.

Forensic Involvement

119. For cases involving possible violence or foul play, the police may involve forensic experts and may begin looking for physical evidence related to the missing person's last known activities.

Interviews with Relatives and Friends

120. Investigators often conduct interviews with the missing person's family, friends, and colleagues to gather information on any potential issues or motives for disappearance.

Role of the Criminal Investigation Branch (CIB)*Specialized Units*

121. Missing persons cases, especially those suspected of being linked to criminal activity, are often referred to the Criminal Investigation Branch (CIB). The CIB specializes in investigating serious crimes and can apply more extensive investigative resources to these cases.

Case Follow-Up

122. The police continue to follow up on leads, track down potential witnesses, and review security camera footage or other sources of information. For cases involving minors or high-risk individuals, they often prioritize faster action.

Reporting on the Status of the Case*Update to the Family*

123. The police typically provide regular updates to the family of the missing person on the progress of the investigation. This communication helps ensure that the family is kept informed of any developments or when the police require further assistance.

Closure of Case

124. If the missing person is located, the police will close the case. If the person remains missing and no new information is available, the case may be put on hold, but the investigation can be reopened if new evidence comes to light.

Use of Technology

National Database and Alerts

125. While Belize does not have a national missing persons database like some larger countries, the Belize Police Department does maintain records and may issue alerts for missing persons.

Social Media and Public Outreach

126. The Belize Police are increasingly using social media platforms like Facebook and Twitter to spread missing persons information and to reach a broader public for leads.

Missing Minors

127. Special protocols are in place for missing minors (children under 18). These cases are treated with heightened urgency, and often the police will immediately initiate a search-and-rescue operation, involve child protection services, and communicate with other agencies.

128. If the minor is believed to have been abducted, the police will immediately involve national and regional authorities, including immigration or border control if there's a risk of the child being taken out of the country.

Cooperation with Regional Agencies

129. In cases where a missing person might have crossed into neighboring countries like Mexico or Guatemala, the Belize Police collaborate with regional law enforcement agencies.

130. They may also contact Interpol for assistance in locating international missing persons.

131. Whenever an unidentified body is discovered, DNA samples are taken and the geographic location of their burial spot is documented. Belize does collect and store these DNA samples to enable testing of persons who are desirous to have DNA samples sent abroad for comparative analysis.

Reply to paragraph 27

132. There are no reported cases of enforced disappearance in Belize. As it relates to property rights of disappeared persons, in the case of Rodolfo Juan V Trinidad Santiago Juan et al – Action no 229 of 2005 the court held that:

“ a. a presumption of death arises where there is acceptable affirmative evidence that a person was alive at some time during a continuous period of seven years and more, and it can be proved that there are person who would likely to have heard from or of him, and that all due inquiries have been made appropriate to the circumstances and yielded no evidence of the person being alive.”

133. Consequently, a person may apply to the court for an Order that the missing person be declared dead. This application is to be supported by affidavit evidence of steps taken to locate the missing person and a declaration that they have not seen or heard from the missing person. Such an application is made by a close family member or a friend in the absence of a family member. After the person is presumed dead, the family members must take steps to administer the Estate of the presumed deceased person. If the person had a Will, the Will is to be probated and the assets dealt with in accordance with the will. Where the person died without leaving a will, the family member is to apply to the court for Letters of Administration. It must be noted that both of the applications entail a requirement for notice of such application being placed in the media.

134. As it relates to whether further investigative actions are taken after a person is presumed dead, the Belize Police Department would be guided by whether they received new evidential leads.

135. In relation to gender perspective, the State of Belize in their legislative provisions honors the Right to equality before the law which includes the equality of genders. The legislative provisions or common law authority that are applicable in such circumstances are generally worded with “every person” rather than being gender specific. Further to this, the Interpretation Act of Belize at Section 5.-(1) states that words and expressions importing the masculine gender include the feminine.

Reply to paragraph 28

136. There have not been any reports of enforced disappearance in Belize. However, speaking particularly to whether individuals would be free to associate in groups that attempt to establish circumstances of enforced disappearance, the Constitution of Belize at Section 3 (b) guarantees the right to freedom of conscience, of expression and of assembly and association. As it relates to the topic of children and enforced disappearance, it must be noted that whenever actions are taken involving children, the guiding principle is always what is in the best interest of the child which is enunciated in several provisions of the Families and Children’s Act as well as judicial decisions.

Reply to paragraph 29

137. There have been no cases of wrongful removal of children in circumstances of enforced disappearance as there have been no cases of enforced disappearance in Belize.

Reply to paragraph 30

138. Belize’s National Child Protection Protocol provides a multi-sectoral framework to safeguard unaccompanied minors, addressing key risks such as trafficking and violence. While it does not specifically address enforced disappearance, the Protocol is critical given Belize’s role as a transit destination for migrants traveling to the United States.

139. The Protocol ensures the identification, referral, and protection of unaccompanied minors, offering access to safe shelter, healthcare, psychosocial support, and legal assistance. It fosters inter-agency collaboration among the Ministry of Human Development, Police, Immigration, Labour, Health, and NGOs, prioritizing the best interests of the child and ensuring dignity and consent throughout the process.

140. Through increased vigilance at entry points, trained officials identify trafficking risks, document needs, and respond to signs of abuse and exploitation. The Protocol applies to all stakeholders interacting with unaccompanied minors, ensuring their safety and well-being during migration. While enforced disappearance is rare in Belize, the Protocol’s comprehensive approach effectively addresses other significant risks.

141. Belize also has in place a multi-agency online platform to investigate, track, and manage cases of human trafficking, which also contributes to safeguarding unaccompanied minors. This platform facilitates accurate statistical reporting and analysis, enabling agencies to document and monitor cases effectively. It incorporates a comprehensive security system with role-based access, ensuring that sensitive information is protected while allowing authorized agencies to collaborate. While primarily focused on trafficking, the platform’s robust data management capabilities can support efforts to record and identify unaccompanied minors, thereby aiding in the identification of disappeared children, in line with Article 25.

Reply to paragraph 31

142. There are no reports, officially or unofficially, of enforced disappearance in Belize; however, the State party has established a robust legal framework to ensure transparency and accountability in the adoption process, particularly in preventing illegal inter-country adoptions and upholding article 25(4) of the Convention. The adoption process is tightly

regulated, requiring all applicants to submit formal applications reviewed by the court. To safeguard the best interests of the child, the court appoints a guardian ad litem, typically a social services practitioner, who provides oversight and ensures that the child's welfare is prioritized. Parental or guardian consent is mandatory for adoption unless specific exceptions, such as abandonment, neglect, or mental incapacity, are met. Additionally, the court requires a thorough report on the suitability of prospective adopters from social services or approved organizations. These mechanisms are designed to promote transparency and accountability in the adoption process.

143. For inter-country adoptions, additional safeguards are in place to mitigate risks of trafficking or illegal practices. Non-citizen applicants must submit verifiable recommendations from their home country's competent authorities, affirming their suitability to adopt. The court must be satisfied that the applicant's home country recognizes and will enforce the adoption order. Adoption orders remain provisional for 12 months, during which time quarterly reports on the child's status and progress are submitted to the court to ensure their well-being. To maintain transparency and traceability, the Registrar General oversees an Adopted Children Register that records all adoption-related information while ensuring that sensitive records remain confidential and protected from unauthorized access.

144. Belize has further reinforced its commitment to preventing illegal inter-country adoptions and protecting children's rights through its accession to the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement, and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children (the Hague Child Protection Convention) and the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Inter-Country Adoption. These international instruments provide a framework for international cooperation to combat child trafficking and ensure ethical adoption practices.
