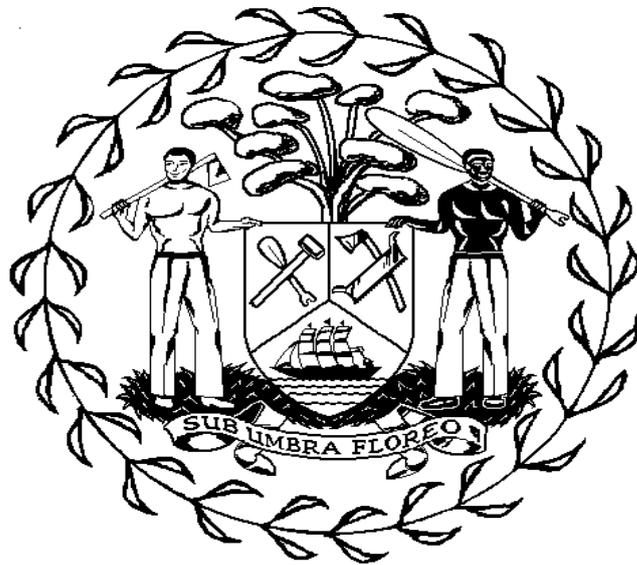

**THE THIRTEENTH
ANNUAL REPORT
OF
THE OMBUDSMAN OF
BELIZE**



THE THIRTEENTH
ANNUAL REPORT OF
THE OMBUDSMAN



Prepared for laying before the Senate of Belize and the House of
Representatives pursuant to Section 28(2) of the
Ombudsman Act, No. 7 of 1994

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(10th February, 2014)

Ref: 001/AROMB/2013

Hon. Marco Pech
President of the Senate
National Assembly
Belmopan

Dear Mr. President,

I have the honour to present the Ombudsman's Annual Report which covers the period of January 1, 2013 to December 31, 2013.

The report is submitted in accordance with Section 28(2) of the Ombudsman Act, Ch. 5 of the Laws, which states: -

"The Ombudsman shall submit to the National Assembly an annual report relating generally to the execution of his functions."

Respectfully,



Lionel Arzu, MSc.
(Ombudsman of Belize)

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Speaker of the House of Representatives
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(Ombudsman of Belize)

OMBUDSMAN'S MESSAGE

As the third Ombudsman since the office was established in 1999, I took up my appointment on January 1st, 2013. My first year has proven to be a wonderful experience. The alleged infractions complained about are principally made by persons from less fortunate families. They come to my office for assistance, because they believe that they have suffered from some form of injustice by an agent of government and need redress. I elect also to probe individually and recognize that, despite their history, they are constitutionally entitled to the preservation of their rights, to be presumed innocent until proven guilty and to the equal protection of the law. It is in this spirit that I continue to strive along with my staff to mete out justice, and to protect and preserve those rights. I have resolved to require transparency and accountability by all agencies of Government. This does not mean that I do not appreciate the hard work and diligence of our law enforcement and military officers, who put their lives on the line every day. The persons we choose to stereotype and/or abuse may actually be innocent, and deserve to be treated with dignity and have their rights respected. That is why we refer to the statements of complaints as allegations, because the person is only alleged to have committed the crime or infraction until it is proven so.

There are three arms of Government - the Executive, the Judiciary and the Legislature. As we know, the Legislature is responsible for the enactment of laws. According to the July 10th, 2005 Sixth and Seventh meetings of the Sixtieth General Assembly of the Third Committee of the United Nations, "Poverty is the root cause of crime." The underprivileged citizenry expresses their discontent, at times in such negative ways that it ends up claiming their very lives. These people, who struggle to provide for their basic needs, obtain employment, find a way out of their hunger for improvement or elevation, and for the benefit of their children or loved-ones, become angry and cold-hearted. Some of these individuals are single parent, struggling solely for years. Most of these less fortunate citizens persevere for exceedingly long periods, until something happens that makes or breaks them. We are too resourceful a nation, too intelligent a people to allow poverty to continue taking our lives. It is time for us to render aid to those in need, and empathy to those who struggle.

It is time to introduce our humanitarian side, and rid Belize of poverty and ignorance once and for all.

During my first year as Ombudsman, I have met with Cabinet ministers and CEO's to request their support and systematic collaboration with our office. I have met with the heads of the Security Forces, the Minister of National Security, Commissioner of Police, Brigadier General and Commander of the Coast Guard to extend a hand of friendship. I have visited the Belize Central Prison and investigated the complaints received against the prison authorities. Some of the issues raised are: (1) the lack of Visiting Justices, (2) the serious health hazards, (3) the alleged physical and psychological abuse visited upon in-mates by prison authorities and (4) the alleged bias of promoting family first and placing them in key locations by the Superintendent. I have written to the Labour Department regarding complaints and all other relevant authorities and gave them the opportunity to respond in writing and to be heard. The cooperation has been very reasonable, but there is room for improvement.

In an effort to address complaints at the Belize Central Prison, which is managed by the Kolbe Foundation, I have recommended that a Labour Complaints Tribunal be established in accordance with Section 200 (1) of the Amended Labour Act of 2011 so that workers alleging wrongful termination by employers may be able to apply for redress.

We have had law students from the United States of America coming in to volunteer their services, which included analysing and advising according to the facts and issues surrounding certain cases, filing and drafting of certain reports among other things. I have also had the privilege of attending regional seminars, such as "The XLVI Regular Session of the Central American Council of Attorneys of Human Rights," held from the 18th - 20th March in Panama City, Panama and "The Regional Seminar on Access to Public Information and Transparency," held on the 15th and 16th of May in San Salvador, El Salvador. The Legal Officer attended on my behalf the Regional Conference on Freedom of Information in the Commonwealth Caribbean held from the 20th - 21st March in Kingston, Jamaica. I have also attended many local meetings and Seminars regarding human rights and protection of rights for women and children.

I have toured five police detachments, being Punta Gorda, Independence, Placencia, Dangriga and Corozal where I held meetings to explain the roles and functions of the Ombudsman. I have met with Consulates and Embassy Representatives to discuss issues related to their citizens in Belize. There are Ministers who have appointed a staff member to liaison with my office and respond to all correspondences from the Office of the Ombudsman. I humbly suggest that all Ministers give consideration and try to appoint a person in their Ministry to respond to letters from the Ombudsman's office. This is an effective and efficient mechanism to resolve the complaints of the citizenry. The Ministry of Finance approved the employment of a Legal Officer, Mr. Oscar W. Selgado and Records and Research Officer, Mr. Clarence D. Slusher Jr., to manage the workload.

The need for the establishment of a National Human Rights Institution (NHRI) has been a recommendation made by the previous Ombudsman, citing the willingness of the International Community to support such establishment. The parties of interest, human rights groups, NGO's and other advocates should come together in order to realize this dream. I believe that the establishment of an NHRI is of paramount importance.

I now look forward to continuing the work in 2014 and insist that International Fair and Equitable Standards are pursued and the Constitutional rights and provisions continue to be fully considered and respected.



Lionel Arzu, MSc.
(Ombudsman for Belize)

Summary: 2013 Complaints

This year, as with every year, we have overcome great challenges. With only a skeletal staff the Office of the Ombudsman continues to have an impact through the exercise of its mandate. We have endeavoured to provide justice, the promotion of human rights and good governance in the hope of a more compassionate society.

Our office received complaints by letter, fax, e-mail, telephone and, in most instances, through walk-ins. The total number of complaints received in 2013 was 211, and the breakdown of case resolution is as follows:

Total Complaints	<u>211</u>
<u>Formal Cases</u>	<u>205</u>
Informal Cases	6
Cases closed	0
Awaiting response from authority	162
Cases under investigation	211

COMPLAINTS BY AUTHORITY

Of the 211 cases, the largest number of complaints was against the **Police Department** and consisted primarily of allegations of the use of excessive force and police brutality. These make up almost 1/3 of all complaints received by our office. Other allegations against the police pertained to the unlawful deprivation of property, arbitrary deprivation of property, negligence, attempted murder, and misconduct.

Of the cases against the Police Department, less than 10% have been replied to at the time of this writing. These were almost entirely in relation to the charges of impropriety and brutality.

The second largest number of complaints was against the **Belize Central Prison**, under the management of the **Kolbe Foundation**, followed by the **Lands Department**.

The Ombudsman also received complaints against the following authorities:

Family Court
Magistrates Court
Ministry of Health
Department of Human Services
Ministry of Economic Development
Social Security Board

Please see [Appendix 6](#) for detailed statistics on the number of complaints by authority.

COMPLAINTS RESOLVED

Of the 211 complaints received in 2013, approximately 4/5 of the cases are still awaiting response from the respective public authorities. While some authorities have been prompt, responding in a timely manner, others have been slow to respond, if they respond at all. Regarding those responses that were prompt and timely, the assignment of a liaison person to be responsible for correspondences from the Office of the Ombudsman by the relevant department or Ministry seems to have very likely been the key protocol adopted.

POLICE DEPARTMENT



Case 807

A Cotton Tree Village resident alleged that Police from Belmopan extra-judicially removed his child from his home and out of his care after Human Services Department agents had requested he takes care of the child until the matter could be brought to the court since the child was being neglected by the mother. The Police acted contrary to the advice of the Human Services Department and the Family Court.

Case 809

A citizen of Las Flores area in Belmopan alleges that on Sunday the 3rd August, he was shot by police in a mobile patrol after another citizen was seriously injured in the village. The police mistakenly shot him then took him to the hospital. He was never charged nor given an apology.

Case 813

A citizen of Punta Gorda Town was detained allegedly without lawful cause by a Mobile Police Patrol. He was also allegedly beaten at the Police Station, enough to warrant the issuance of a Medico Legal Form and for him to be taken before a registered Medical Practitioner or Doctor where his injury was classified as wounding. The Ombudsman carried out an inquiry and found the Policeman to be unprofessional and he recommended training in Constitutional Law and the Judges Rules.

Case 842

A citizen of Sand Hill Village reported that the police at the Sand Hill and Ladyville Police Stations do not respond adequately to reports of criminal activity in the area. She stated that her son was stabbed in the immediate vicinity of the station in Ladyville and no one was arrested, but that police are arresting citizens for petty offences such as igniting fire crackers.

Case 843

A male citizen reported that the Domestic Violence Unit of the Police Department does not respond adequately to his request for urgent assistance, because when his ex-common-law wife continuously showed up at his place of employment and other public places to assault him and/or any female associate accompanying him which she believes to be intimately involved with him, he called the Domestic Violence Unit on numerous occasions, only to be told he needs to come in to file a report. Further, the citizen alleged that the ex-common-law, allegedly knowing that he stays back at Family Court for some time after his court session with her finishes in order to avoid her, also waits in the vicinity for an opportunity to threaten and assault him. In one such instance the Counsellor at the court and other officers witnessed the ordeal and made a formal report to the Domestic Violence Unit. It was not until they intervened and the Office of the Ombudsman began to follow up that the ex-common-law was charged.

Case 703

A male citizen of Unitedville alleged that the Chairman of the Village physically assaulted/brutalized him and that when he made a formal report to the Police, no action was taken as he requested. We are still awaiting a response from Police regarding this matter.

MAGISTRACY

Case 825

The Clerk of Court in Dangriga was accused of being bias when she allegedly refused a citizen his right to apply for an Enforcement Order in favour of whom the court made judgment in the sum of \$15,000.00. The matter was received by the Chief Magistrate and justice is now being done because a distress warrant was served by the court upon the Defendant.

UNIVERSITY OF BELIZE

Case 806

A citizen complained that after enrolling and completing the Primary Education Program for Bachelor's Degree she was told that she could not graduate with her degree because five extra subjects were added to her course outline. The University was written to but no reply was received regarding the complaint.

For further Police statistics please see Appendices

Special Report

MICHAEL BARRERA – A TEACHER’S UNLAWFUL TERMINATION

On the 17th October, 2012, a complaint was filed by Michael Barrera, a Teacher employed by the Ministry of Education through the Teachers Services Commission alleging unlawful termination. The salient issue is that whilst Barrera was employed at Georgetown Technical High School in the Stann Creek District, he was wrongfully removed from the classroom when the Teachers Services Commission negligently interpreted a misdemeanour to be a felony, on which it based its decision not to grant Mr. Barrera a teacher’s licence.

The Office of the Ombudsman had previously written to the Minister of Education with a recommendation to settle the matter, but the matter was not given the urgency nor response required. Subsequently, the Ombudsman determined to put his findings forward for approval to by the National Assembly pursuant to Section 21 (1) and (2) of the Ombudsman Act.

It is the considered opinion of the Ombudsman that, contrary to the Ministry of Education and Solicitor General’s position not to pay Mr. Barrera for the period 1 January to August 28, 2012 that he was wrongfully prevented from teaching, the Ministry is under an obligation at law to pay Mr. Barrera for the period in question. The common law is replete with cases which elucidates the position held by the Ombudsman since Mr. Barrera had a legitimate expectation to be issued a license because he was never convicted of a felony and because he was already a serving teacher (counsellor) in the profession for ten years prior to the unfortunate incident.

Furthermore, the Ministry of Education’s position is that Barrera was not lawfully employed in accordance with the Education Act of 2010; however, a Public Announcement made by the Teaching Service Commission and endorsed by the Minister himself offered an opportunity for serving teachers to apply for a license prior to the commencement of classes in September of 2012. The Law of Equity would call for all teachers without licenses who were not (as the Ministry and Teaching Services Commission deem) lawfully employed to have been terminated along with Barrera. However, if not for the misinterpretation by the Teaching Services Commission, Barrera would have been issued a license and his service would likely have not been terminated.

It is a requirement under the principles of Natural Justice that Mr. Barrera be given an opportunity to be heard by the Teaching Services Commission before it decided not to issue him with a license.

This is pursuant to the common law principle of the **audi alteram partem** rule and the constitutional right to a fair hearing.

Professor Albert Fiadjoe wrote in his book Commonwealth Caribbean Public Law, 2nd Edition, Cavendis Publishing Company, London 1998 at page 230 that, *“Fair hearing means an opportunity to put one’s side of a case before a decision is reached. Accordingly, the Legal requirement on the adjudicator is nothing more than a basic duty of fairness...”* This approach was expanded in the case of Darrayapa v Fernando [1967] AC 337.

In **Blake and Emmanuel v Barker**, Civil Appeals No. 60 and 61 of 1976 in Guyana, heard on November 1992, the Court of Appeal under the order of Bishop J A ordered the state to compensate a Policeman for wages lost when he was unlawfully terminated and wrongfully dismissed by the Commissioner of Police under the provisions of the Police Act.

It is the position at common law in Belize that when a person is wrongfully terminated or discharged from his employment and is re-instated, that he be compensated for lost wages. In the instant case, the refusal of the Teaching Service Commission to issue a license to Mr. Barrera in effect terminated his service as a teacher (counsellor) and his subsequent reinstatement must be coupled with full compensation for his loss of income during the period of unemployment. Although the Commission corrected its error by ordering the issuance of a license to Mr. Barrera on 29th August, 2012 during the period of 1st January to 28th August 2012 inclusively Mr. Barrera suffered loss of wages and injury to his character and reputation when he was informed by the Ministry of Education that he was a convicted felon and could not be rehired as a counsellor or teacher within the teaching profession. Had the Ministry of Education and/ or the Teaching Services Commission offered Mr. Barrera a fair hearing before depriving him of his right to employment, he would have informed them that he was at no time convicted of a felony. It would therefore have prevented the wrongful refusal of a license to Mr. Barrera who is a career teacher/counsellor.

Pursuant to the provisions of Sections 22 (1) and (2) and 28 (2) of the Ombudsman Act, Chapter 5 of the Laws of Belize, Revised Edition 2000, the Ombudsman is therefore of the opinion that Mr. Barrera is to be remunerated for the period of his wrongful unemployment by the Teaching Services Commission and recommends to the National Assembly that the matter be so determined as is required by the said act.

Informal Complaints

- A Belize City resident visited the Ombudsman's Office to make a complaint against the Human Services Department regarding adoption. She was informed that she needed to:
 - i. Retain the services of an Attorney-at-Law in order to have the application for adoption properly filed at the Family Court.*
 - ii. Consult the Counsellor, Clerk or other authorized agent at the Family Court for further guidance.*

- A San Pedro Town resident wrote our office regarding her daughter who ran away and was not located for some days. The mother requested that we assist by asking the police to put out an all-points bulletin with the information as they believed the child was in Orange Walk area. The child had no identification card or other document on her person. The mother was advised:
 - i. That the office will do all it can to see that the information was properly disseminated in an effort to assist.*
 - ii. That the matter will be brought to the attention of the officers commanding all police formations.*
 - iii. That the family will be informed as soon as there is any useful information.*

- A Punta Gorda town resident wrote the office of the Ombudsman regarding failure to collect a judgment from the Defendants in a civil matter. He was advised:
 - i. That he would need to return to the Punta Gorda Magistrates Court to apply for an enforcement of the judgment.*
 - ii. That he may need to retain the services of an Attorney-at-Law if he is not familiar with the procedures involved.*
 - iii. The matter was a private and civil matter before the court and so we cannot get involved unless there was some wrong-doing by an agent of the Judiciary being an arm of Government.*

- A Cayo District citizen wrote the Office of the Ombudsman complaining that the Cayo Magistrate had ordered him to pay maintenance at a sum not feasible for him to pay. He provided proof of his gross and net salary and an account of his expenses, in support of his complaint. He was advised that:
 - i. He would need to go back to the Cayo Magistrate and apply for a variation of the order; or*
 - ii. Retain the services of an Attorney-at-Law, as only the Supreme Court can alter a Magistrate's decision on appeal.*

- A Belize District citizen visited the Office of the Ombudsman explaining that his daughter, who had gone in to the Government hospital KHMH regarding cycle cell anaemia, was infected with HIV blood, and that the Solicitor General at that time induced them to sign a release without advising them to seek out independent legal advice. The parents continuously stated that they were hurried through the process and threatened. This matter was considered informal during 2013 but the classification is subject to change as the investigation progressed. They were advised that:
 - i. They should seek out the advice of an Attorney-at-Law; and/ or*
 - ii. They should try to find an Attorney specializing in Human Rights and/ or International Law.*

- An inmate at the Belize Central Prison wrote the Office of the Ombudsman seeking legal assistance as he was unable to retain the services of an Attorney-at-Law to enter an Appeal on his behalf. He was advised as follows:
 - i. That the Ombudsman's Office does not provide private legal services*
 - ii. That the Ombudsman's Office will reach out to members of the Bar Association and the Human Rights Commission of Belize to see if an Attorney may offer his/ her services Pro-Bono.*

Administrative Matters

In 2013, the Office of the Ombudsman carried out its responsibilities with the following personnel:

OMBUDSMAN	Mr. Lionel Arzu
LEGAL OFFICER	Mr. Oscar W. Selgado
RECORDS & RESEARCH OFFICER	Mr. Clarence D. Slusher, Jr.
SECRETARY	Miss. Trina Lizama

Training and Cooperation

The Ombudsman attended “*The XLVI Regular Session of the Central American Council of Attorneys of Human Rights*”, March 18-20 in Panama, and “*The Regional Seminar on Access to Public Information and Transparency*,” May 15-16 in El Salvador. The Ombudsman also participated in many local meetings and seminars regarding human rights and protection of rights for women and children. The Legal Officer Mr. Selgado attended the *Regional Conference on Freedom of Information in the Commonwealth Caribbean*, March 20-21, Kingston Jamaica.

Five students from the University of Michigan applied to intern at the Office of the Ombudsman for the period March 4 through 7. Their application was approved and they assisted us with assessment, drafting and suggesting the introduction of different protocols and procedures to be adapted regarding certain types of complaints.

Other

Our sincere appreciation goes out to our Secretary who worked tirelessly accounting for the highly privileged documents and items and going beyond the call of duty to account for such things; the Legal Officer for his interpretations and legal guidance; and, the Records & Research Officer, who carried out investigations, ensured the proper preservation and availability of records and managed the technical issues of the Office, including our Facebook account:

<http://www.facebook.com/#!/profile.php?id=100003382819843>

Ombudsman Contact Details:

Tel: 223-3594 or 223-3198

Fax: 223-3198

Email: ombudsman@btl.net

MONDAY – FRIDAY

8:00 a.m. – 12:00 p.m.

1:00 p.m. – 5:00 p.m.

Conclusion

In 2013, the Office of the Ombudsman discharged its mandate with a reasonable measure of success. This is reflected in the testimonials highlighted in this Report. The Office received 211 complaints regarding allegations of wrongdoings by or harm suffered at the hands of public authorities. With a limited staff and budget, the Office made great strides in dealing quickly and efficaciously with these complaints.

Nonetheless, there is still much work to be done in terms of establishing procedures to facilitate the work of the Ombudsman and taking other measures to promote and protect human rights in Belize.

With this in mind, **the Ombudsman makes the following recommendations to the National Assembly**, some to hopefully be implemented in the near future and others in the long run:

1. That 'Visiting Justices,' be appointed by the Minister of National Security and/or the Chief Magistrate to conduct sporadic inspection tours; make inquiry and checks at the Belize Central Prison in the interest of protecting constitutional rights and hearing complaints regarding the infringement or likely infringement of those rights and abuse or gross negligence (especially those regarding serious health hazards that may lead to an epidemic) by prison authorities.
2. That the Minister of Labour cause the establishment of a Labour Complaints Tribunal in accordance with Section 200 (1) under Part XX of the Labour (Amendment) Act, 2011, to hear complaints of unlawful termination and other unlawful acts by employers public and private.
3. That the Government Ministries appoint or identify a liaison officer within their Ministry to address correspondences from the Office of the Ombudsman if they have not already done so.
4. That the Executive arm of Government ratifies and incorporates into domestic legislation all international human rights treaties to the most feasible or practicable extent. Belize has ratified the UN's 1948 Declaration of Human Rights as a Member State of the United Nations. This Declaration recognizes rights and freedoms in addition to those enshrined in the Belize Constitution. It is therefore recommended that Ministers should lobby for the ratification of other Treaties listed in Appendix 5, specifically the International Covenant on Economic, Social and Cultural Rights. Once

these have been ratified and implemented into Belizean law, citizens will be able to fully benefit from its protection.

5. That a National Human Rights Institution finally be established.

Testimonials

From time to time people write to the Office of the Ombudsman to express their gratitude for the help provided. Among the correspondences we received in 2013 were the following positive comments:

“Thanks for your intervention in my grandson’s case.”

“I hereby thank the Office of the Ombudsman... May God continue to bless your office.”

“Your professionalism and concern is greatly appreciated.”

“I want to sincerely thank you for assisting my nephew and family, and may God continue to bless and protect you and your staff.”

“I want to thank you for all you have done to assist me. I will not forget.”

“God has surely blessed us with you and your staff.”

THANK YOU

The Ombudsman and his staff are always pleased to receive feedback messages from anyone who would like to seek assistance or lodge a complaint at the office.

Send an email to ombudsman@btl.net
or write to us at 91 Freetown Road, Belize City, Belize District

APPENDICES

How to Make a Complaint to the Ombudsman



Before making a complaint to us, have you already contacted the government department or authority to complain?

Please note that we do not usually investigate complaints if you have not raised the complaint with the department or authority first. However, if you feel you have a good reason not to contact the authority first then please call us on **223-3594 / 223-3198** to discuss.

Before you contact us please try to write down all of your communications with the department or authority; such as letters, telephone conversations and meetings. Please also record dates, the subject of the communications and the names and contact details of the people who you dealt with.

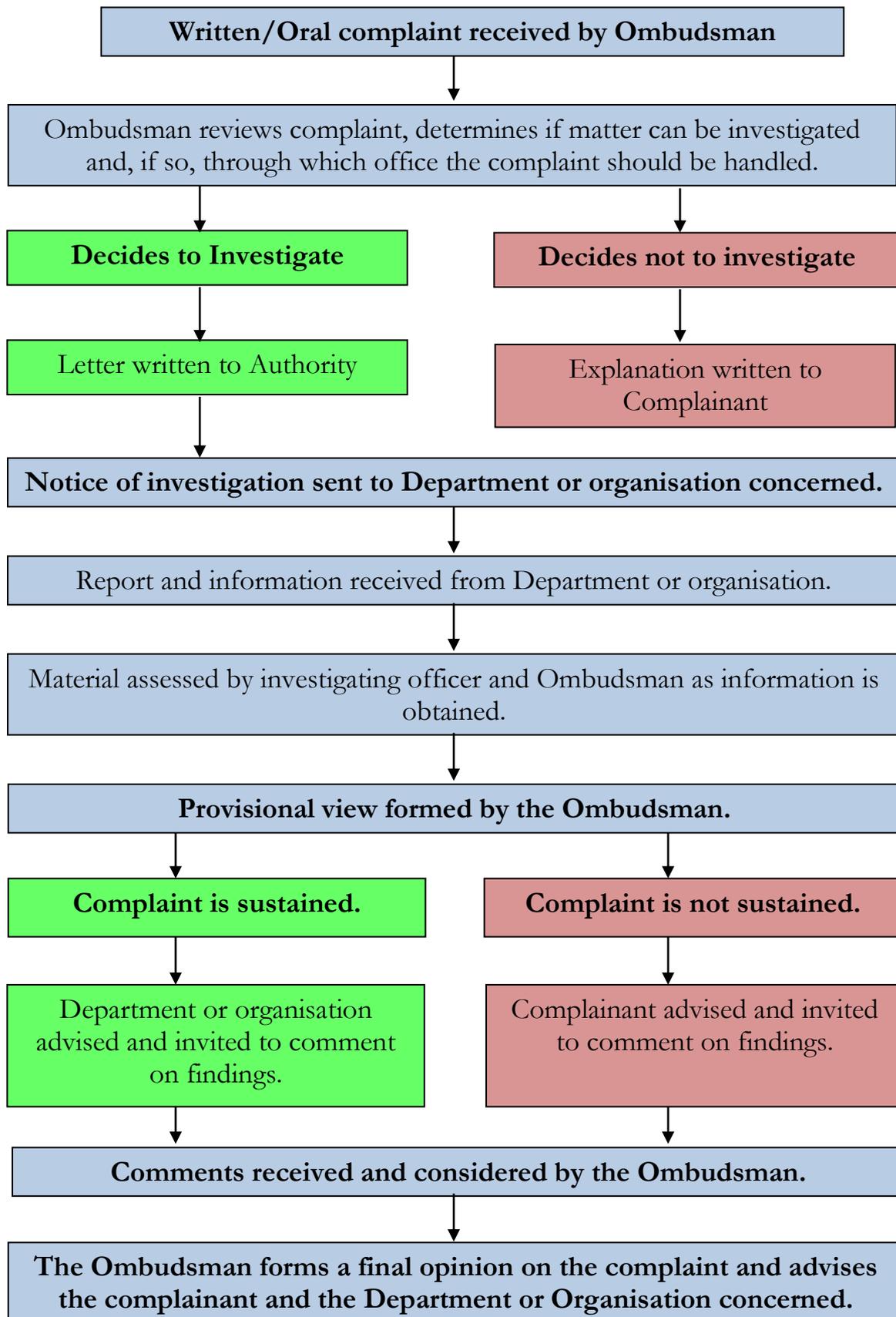
There are several ways to make a complaint:

Written complaints – download our written complaint form from our website - <http://www.ombudsman.gov.bz>. Once you have completed it you can either e-mail it to ombudsman@btl.net or post it to us at 91 Freetown Road, Belize City.

Telephone – call us on 223-3594 or 223-3198 during office hours (8:00am to 12:00 noon and 1:00 pm to 5:00pm, Monday to Friday).

Walk-ins – visit our office during office hours to make your complaint in person. To avoid waiting, we recommend that you contact us first to arrange an appointment.

Complaint Process



The Ombudsman Act

The Ombudsman's authority to investigate complaints is detailed in the Ombudsman Act. The legislation allows the Ombudsman to produce annual reports and special reports available to the public.

The full text of the Act can be found at:

<http://www.belize law.org/lawadmin/PDF%20files/cap005.pdf>.

It states the following in regards to the powers of the Ombudsman. Namely that the Ombudsman:

- **Section 2**
 - shall regard “authority” as meaning a Ministry, department or agency of Government, the Belize Police Department, a City or Town Council or any other statutory body.
- **Section 4**
 - will serve terms lasting three years.
- **Section 12**
 - may investigate where he has reasonable cause to believe that an authority has been guilty of corruption or wrongdoing or any person may have sustained injustice, injury or abuse as a result of any action taken by an authority.
 - shall not be precluded from investigating any matter where it is open to the complainant to apply to the Supreme Court for redress for contravention of provisions for the protection of fundamental rights and freedoms.
- **Section 13**
 - may investigate on his own initiative or on a complaint made to him.
- **Section 14**
 - may hear complaints made by any person or body of persons but complaints made by an authority.
- **Section 15**
 - may refuse to undertake an investigation if he believes
 - the complaint is trivial
 - the complaint is frivolous
 - the complainant has been deferred for too long

- the complainant lack sufficient interest
- no investigation is necessary
- **Section 17**
 - may adopt whatever procedure he considers appropriate and may obtain information from such persons and in such manner, and may make such enquiries as he thinks fit.
- **Section 18**
 - may require any officer or member of a public authority to furnish and produce any document in relation to the investigation of any matter.
- **Section 20**
 - may enter any premises occupied by any authority in order to inspect any document or record therein in respect of any matter under investigation.
- **Section 21**
 - shall inform the principal officer of the authority concerned of the result of his investigation and, if necessary, his recommendations for action to be taken by that authority.
- **Section 25**
 - shall regard as secret and confidential all documents, information and things disclosed to them in execution of any of the provisions of this Act.
- **Section 29**
 - shall, when investigating a complaint, record in a register:
 - the name of the complainant
 - the subject matter and date of the complaint
 - the Ombudsman's decision respecting the complaint
- **Section 30**
 - Every person who wilfully contravenes section 14, makes any false statement to the Ombudsman or who obstructs, hinders or resists the Ombudsman shall be guilty of an offence and liable to summary conviction.

United Nation's Universal Declaration of Human Rights 1948 (UDHR)

The rights and freedoms enshrined in the Belize Constitution are similar in many respects to the rights universally recognised in the UN's 1948 Declaration of Human Rights. Belize is bound by the Declaration as a Member State of the United Nations.



The text of the UDHR can be found on the UN Website:

<http://www.un.org/en/documents/udhr/>

In order to increase awareness of Human Rights in everyday society the text has been replicated and condensed below:

- Article 1** Everyone is born free and equal in dignity and rights.
- Article 2** Everyone is entitled to all the rights and freedoms in this Declaration
- Article 3** Everyone has the right to life.
- Article 4** No one shall be held in slavery or servitude.
- Article 5** No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- Article 6** Everyone has the right to be treated equally by the law.
- Article 7** All are equal before the law and are entitled without any discrimination to equal protection of the law.
- Article 8** Everyone has the right to ask for legal help when their rights are not respected.
- Article 9** No one shall be subjected to arbitrary arrest, detention or exile.
- Article 10** Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal.
- Article 11** Everyone has the right to be presumed innocent until proven guilty.

- Article 12** No one shall have their privacy, family, home or correspondence arbitrarily interfered with.
- Article 13** Everyone has the right to freedom of movement and residence within the borders of each state and the right to leave any country, including his own, and to return to his country.
- Article 14** Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- Article 15** Everyone has the right to a nationality.
- Article 16** Men and women have the right to marry and found a family.
- Article 17** Everyone has the right to own property and possessions.
- Article 18** Everyone has the right to freedom of thought, conscience and religion.
- Article 19** Everyone has the right to freedom of opinion and expression.
- Article 20** Everyone has the right to assembly and association.
- Article 21** Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- Article 22** Everyone has the right to social security and is entitled to economic, social and cultural rights.
- Article 23** Everyone has the right to work, the right to equal pay for equal work and the right to a decent income and working conditions. Everyone also has the right to form and to join trade unions.
- Article 24** Everyone has the right to rest and leisure.
- Article 25** Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services.
- Article 26** Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages.

Article 27 Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

Article 28 Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29 Everyone has duties to the community in which alone the free and full development of his personality is possible.

Article 30 Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Human Rights Treaties and Belize

In addition to being bound by the UN Declaration, Belize has either signed or ratified a number of other Treaties. These texts are listed below in order of ratification or signature and are also available on the UN Website given above.

- 17th March 1986:** *1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) [ratified]*
- 2nd May 1990:** *1989 Convention on the Rights of the Child (CRC) [ratified]*
- 16th May 1990:** *1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) [ratified]*
- 1st February 1996:** *Agreement establishing the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean [ratified]*
- 10th June 1996:** *1966 International Covenant on Civil and Political Rights (ICCPR) [ratified]*
- 6th September 2000:** *1966 International Covenant on Economic, Social and Cultural Rights (ICESCR) [signed]*
- 14th November 2001:** *1966 International Convention on the Elimination of Racial Discrimination (ICERD) [ratified]*
- 14th November 2001:** *1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) [ratified]*
- 9th December 2002:** *1999 Optional Protocol to Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW) [ratified]*
- 1st December 2003:** *2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC) [ratified]*
- 1st December 2003:** *2000 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) [ratified]*

9th May 2011: *2006 Convention on the Rights of Persons with Disabilities*
[ratified]

There are also a number of human rights treaties Belize has yet to sign or ratify that are given below in order that they were opened for signature by the UN:

16th December 1966: *Optional Protocol to the International Covenant on Civil and Political Rights*

26th November 1968: *Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity**

15th December 1989: *Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty*

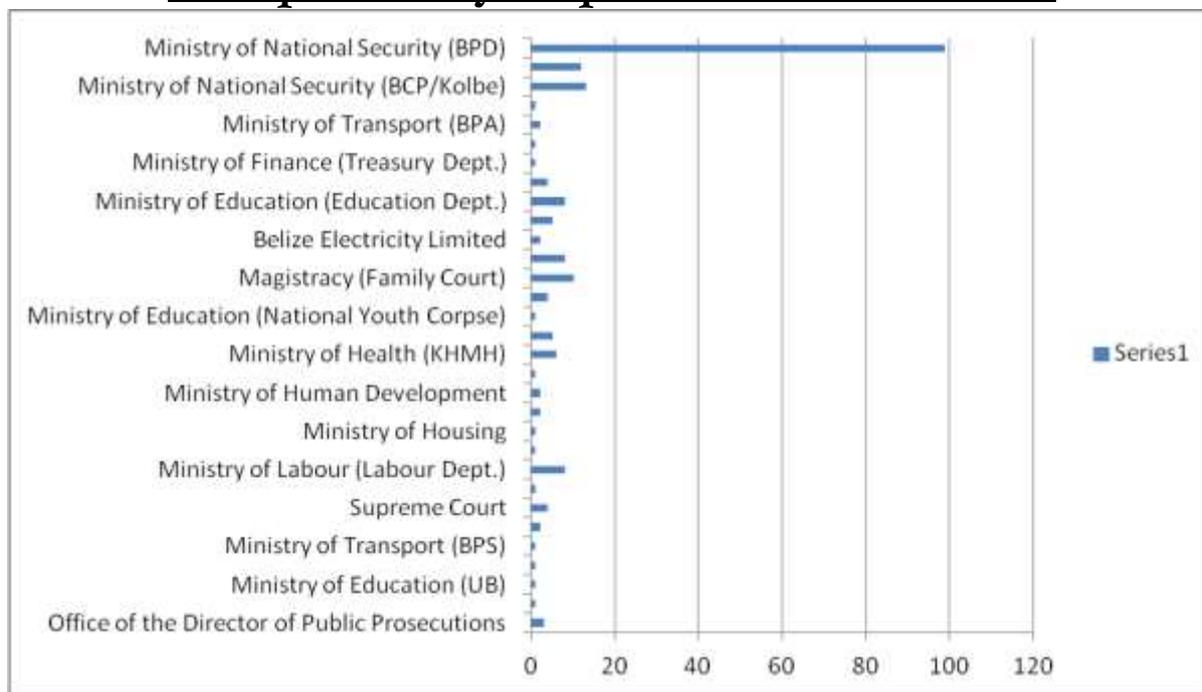
18th December 2002: *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*

13th December 2006: *Optional Protocol to the Convention on the Rights of Persons with Disabilities*

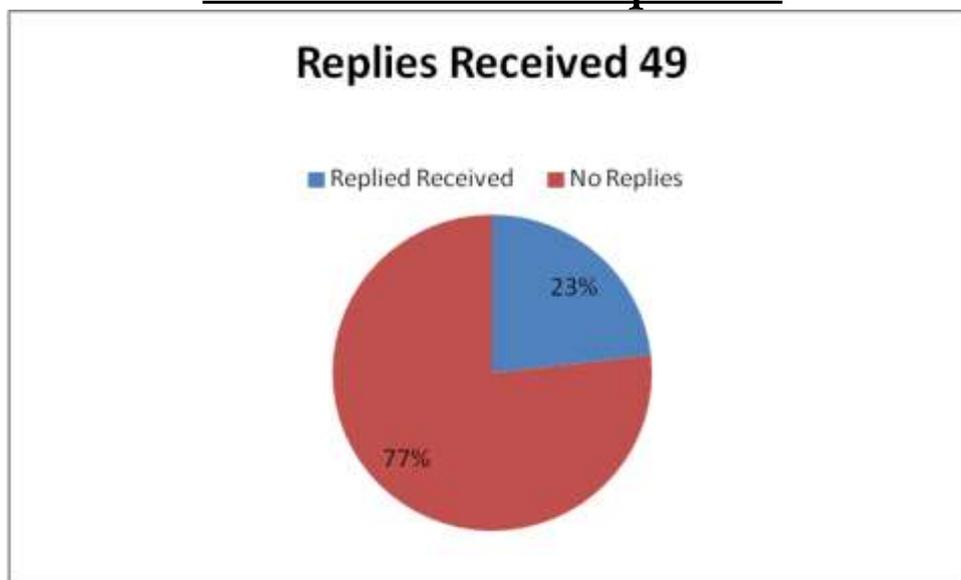
10th December 2008: *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights*

Statistics

Complaints by Department – Total: 211



Resolution of Complaints



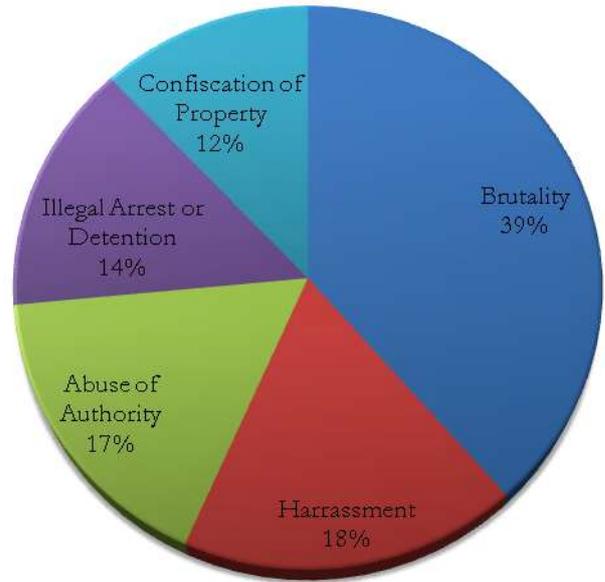
Awaiting Reply: 162

Police Cases: (Total: 99)

By Subject:

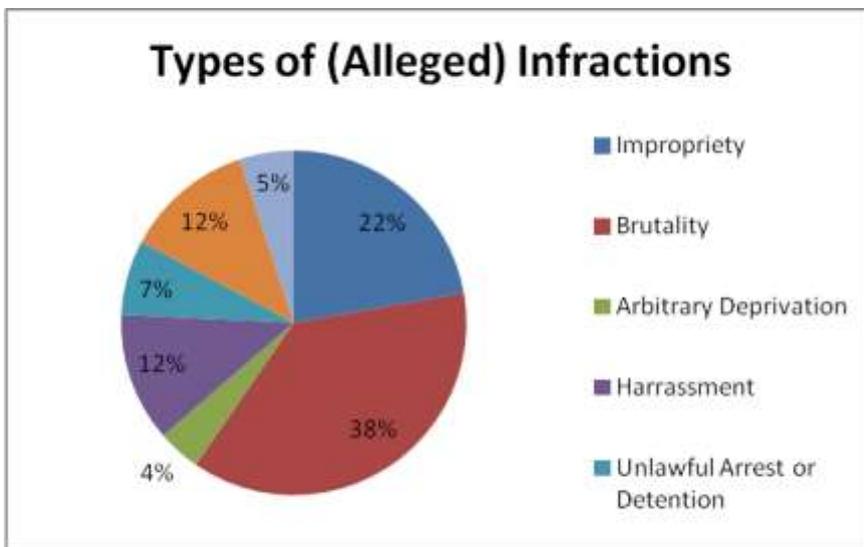
Of the 99 police cases the largest number of complaints was in relation to police brutality. These make up more than 1/3 of all of the complaints received by our office in relation to the police.

Of the cases, less than 10% have been replied to at the time of this writing. These were almost entirely in relation to the charges of impropriety and brutality.

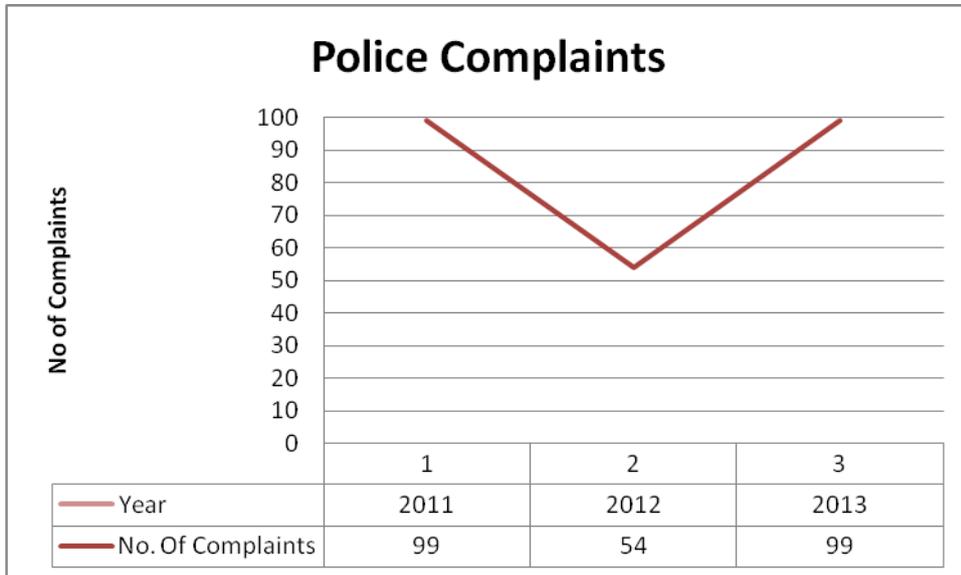


Regarding replies that our office did receive, there was little correlation if any between when the original complaint was sent and when our office received a reply. Few dealt with the issues that had been raised.

By Category:



Police Cases over the last three years:



Ministry or Department or Authority	Total Complaints	Closed	Awaiting Response	Investigation Ongoing
Belize Police Department	99	0	86	99
Lands Department	12	0	9	12
Belize Central Prison	13	0	8	13
DFC	1	0	1	1
Belize Port Authority	2	0	1	2
Ministry of Economic Development	1	0	1	1
Treasury	1	0	1	1
Social Security	4	0	3	4
Ministry of Education	8	0	4	8
Belize City Council	5	0	2	5
Belize Electricity Limited	2	0	1	2
Belize Defence Force	8	0	7	8
Family Court	10	0	5	10
Immigration	4	0	2	4
National Youth Corpse	1	0	1	1
Magistrates Court	5	0	1	5
KMH	6	0	4	6
Free Zone	1	0		1
Ministry of Human Development	2	0	2	2
Ministry of Forestry	2	0	2	2
Ministry of Housing	1	0	1	1
Agriculture Department	1	0	1	1
Labour Department	8	0	8	8
Financial Intelligence Unit	1	0	1	1
Supreme Court	4	0	4	4
Security Services Commission	2	0	2	2
Belize Postal Service	1	0	0	1
Vital Statistics Unit	1	0	1	1
University of Belize	1	0	1	1
Central Bank	1	0	1	1
Office of the Director of Public Prosecutions	3	0	1	3
GRAND TOTAL	211	0	162	211