

# **Belize**

## **Mid-term**

### **Implementation**

#### **Assessment**



**UPR-INFO.ORG**  
PROMOTING AND STRENGTHENING THE UNIVERSAL PERIODIC REVIEW



## Introduction

### 1. Purpose of the follow-up programme

*The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.*

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 16 March 2012

## Follow-up Outcomes

### 1. Sources and results

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All data are available at the following address:

<http://followup.upr-info.org/index/country/belize>

We invite the reader to consult that webpage since all recommendations, all stakeholders reports, as well as the unedited comments can be found at the same internet address.

5 NGOs were contacted. The Permanent Mission to the UN was contacted. The domestic NHRI was contacted as well.

4 NGOs responded to our enquiry. The State under Review did not respond to our enquiry. The domestic NHRI did not respond to our enquiry either.

*IRI:* 7 recommendations are not implemented, 2 recommendations are partially implemented, and 0 recommendation is fully implemented. No answer was received for 45 out of 54 recommendations.

### 2. Index

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Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
4	NHRI	page 9	not impl.
14	NHRI	page 9	not impl.
17	Human rights education and training	page 4	not impl.
22	Sexual Orientation and Gender Identity	page 7	not impl.
25	Torture and other CID treatment, Rights of the Child	page 9	partially impl.
29	Sexual Orientation and Gender Identity	page 8	not impl.
34	International instruments, Indigenous peoples	page 4	not impl.
43	Torture and other CID treatment, Rights of the Child	page 9	partially impl.
44	Right to land, Indigenous peoples	page 7	not impl.



### 3. Feedbacks on recommendations

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## CP Rights

Recommendation n°17: *Provide human rights training with regard to the protection of vulnerable groups, in particular women, children, indigenous peoples and persons of minority sexual orientation or gender identity to law enforcement officials, judicial officers and all State officials.* (Recommended by Czech Republic)

IRI: *not implemented*

United Belize Advocacy Movement (UBAM) response:

We welcome the acceptance of this recommendation, but have seen no specific plan or timelines for implementation. A policy commitment in the police department would have to be frame for working out the process of training when dealing with sexual minorities as there is no known internal department policy for the police that facilitate the better treatment of person's base on sexual orientation and gender identity. We note the possibility of training that can be done on women, children and indigenous peoples though places like the Women's Department and National Committee for Families and Children, but not on sexual orientation and gender identity issues.

## Indigenous & Minorities

Recommendation n°34: *Redouble its efforts in favor of the respect of the rights of indigenous peoples, in line with the provisions of the United Nations Declaration on the Rights of Indigenous Peoples* (Recommended by Mexico)

IRI: *not implemented*

University of Arizona - Indigenous Peoples Law and Policy Program (UAIPLPP) response:

The government of Belize has made very little effort to respect the rights of indigenous peoples. On the contrary, it has continued to deny the Maya indigenous peoples in southern Belize rights to the lands and resources upon which their survival depends.

The Inter-American Commission on Human Rights (IACHR), in its Report No. 40/04 (*Maya Communities v. Belize*), determined that the Maya customary land tenure system gives rise to property rights protected under the American Declaration of the Rights and Duties of Man, a holding which concords with the principles articulated in Article 26 of the UNDRIP. In addition, the Supreme Court of Belize issued two judgments affirming the same principle, applying the right to property contained in the Belize Constitution Act (*Cal et al. v. Attorney General (Belize)* and *Coy et al. v. Attorney General (Belize)*, Consolidated claims 171 and 172 of 2007 (18 October



2007), indexed by the court as *Re Maya Land Rights; Maya Leaders Alliance, et al. v. Attorney General of Belize, et al.*, Claim number 366 of 2008, June 28, 2010 (*Re Maya Land Rights II*).

Both the IACHR and the Supreme Court instructed the government of Belize to demarcate, delimit and title Maya lands. In addition, both bodies exhorted the government to “abstain from any acts that might “affect the existence, value, use or enjoyment of the property located within the geographic area occupied and used by the Maya people.” A domestic injunction to this effect remains in place.

Nevertheless, not only have no steps been taken since the UPR to establish a demarcation or titling mechanism, but the executive and legislative branches of the government of Belize refuse to even acknowledge the existence of the Maya indigenous peoples’ rights to their lands at all. The government has appealed the most recent Supreme Court judgment, and taken the position before the courts that the Maya are not even indigenous peoples of Belize.

Moreover, the government of Belize is failing to comply with the court injunction to abstain from interference in Maya use and occupation of their lands pending demarcation and titling of those lands. Some recent examples of this failure to respect the injunction include:

1. In March 2010 and March 2011, the Minister of Natural Resources issued permits to U.S. Capital Energy Ltd. allowing the company to engage in petroleum exploration and extraction activities in the lands of four Maya villages. While it did specifically exclude the lands of one Maya village, Conejo, the other four villages are also covered by the protective injunction but their lands were not excluded. Starting in October 2011, the company began opening seismic testing lines, and these extended into Conejo village lands. After extensive media coverage of the community’s resistance to these operations, the Minister did take steps to remove the company from Conejo village lands but it continues to operate within the lands of two other Maya villages.
2. In 2011, according to the government’s own statistics, 7 times more Rosewood timber was logged in Toledo – virtually all from Maya village lands – than was permitted by the Forestry Department. Maya village leaders confirmed that vast quantities of timber were illegally removed from their land in violation of their customary norms. The government has taken no steps to protect Maya villages’ rights over this valuable timber resource, and in fact, encouraged the illegal extraction by explicitly permitting the timber to be transported and exported without requiring proof that it was extracted with the consent of the affected Maya villages.
3. The Lands Department has continued to process and approve lease applications from third parties over Maya village lands, although the pace of such processing has significantly diminished.
4. The government began construction of a paved road through a number of Maya villages without consulting or obtaining their approval. This road is intended to



run to the border with Guatemala and to significantly increase traffic through and access to the lands used and occupied by these villages. Experience in Belize and a number of other countries has demonstrated that road improvements lead to increased demand for land along the roads by third parties. Without official confirmation of the village's customary title, the road construction poses a great risk that these villages will lose their lands to invasive settlers.

[...]

*b. indigenous governance*

The government of Belize has made efforts in favour of the rights of the Maya people outlined in the self-determination articles (4 and 5) of the UNDRIP. However, these efforts have not yet resulted in effective protection of these rights.

In August 2009, the Ministry of Labour, Local Government and Rural Development announced a National Policy on Local Governance, funded by the United Nations Development Program. Among other things, this policy involves enacting a Village Boundaries Demarcation law and a new Alcalde Act.

Since the alcalde system is the traditional governance system of the Maya people of southern Belize, grounded in and operating on the basis of Maya custom and tradition, this legislation has the potential to be very positive. Although the first draft was developed without consulting the Maya people, it recognized the Maya as indigenous peoples of Belize and confirmed the legal authority of Maya customary law.

However, the scope of alcaldes' customary authority in the draft law was very limited, and it contained absolutely no reference to Maya customary title, Maya land rights, or the alcaldes' role and responsibility with respect to land use. Thus, in the context of the government's general refusal to recognize Maya customary land rights, the new legislation threatened to restrict the jurisdiction and scope of Maya customary governance institutions and further impede the exercise of Maya customary rights, property and other rights.

To its credit, after Maya organizations objected to the process, the government agreed to delay presentation of the bill to the National Assembly while the Maya leadership (at its own expense) carried out a number of workshops and developed a new draft Alcalde Bill. This draft was presented to the government in the summer of 2011. The government did not resist inclusion of references to Maya customary title and resource rights within the scope of the alcaldes' authority. If the alcaldes' input on central issues is accepted, the bill could be a great step forward in the formal recognition of Maya customary rights, including land rights. However, Maya organizations are concerned that when the draft reaches subsequent stages in the legislative process, Maya custom could be undermined by excising vital aspects inserted through the consultation process. Thus, while there is partial progress in this area, it bears close monitoring, as the outcome is by no means assured to be protective of indigenous rights as articulated in the Declaration.



*c. the right to development (Article 20 of UNDRIP)*

In addition to refusing to acknowledge Maya people's customary rights to the lands they use and occupy, the government is proposing and advancing a model of private, individual landholding among the Maya. This ideological imposition undermines Maya economic and social systems, which are rooted in their customary form of landholding and the egalitarian and spiritual norms that ground and shape that landholding. The privatization of land, which is by custom held collectively but worked individually, creates the possibility, and likelihood, of alienating much of the current land base to banks and other third parties, which would separate much of the Maya population from their traditional economic activities and means of subsistence, and destroy the social and cultural cohesiveness and institutions. The imposition of a particular, non-traditional form of landholding also impedes the ability of Maya villages to enjoy their own means of development. The continued public insistence by the government of Belize, internally and to international bodies, that Maya customary landholding is "backward" and an impediment to progress undermines the provisions of the UNDRIP.

Recommendation n°44: *Protect Mayan customary property rights in accordance with Mayan customary laws and land tenure practices in consultation with affected Mayan people of the whole Toledo district. (Recommended by Slovenia)*

IRI: *not implemented*

UAIPLPP response:

Please see parts (a) and (c) of the response to Recommendation #34, as they address this recommendation as well.

## Sexual Rights

Recommendation n°22: *Put an end to any discrimination against same-sex sexual activity between consenting adults, in particular by revising any discriminatory legislation, and adopt measures to promote tolerance in this regard. (Recommended by Czech Republic)*

IRI: *not implemented*

UBAM response:

While we welcome the acknowledgement of the constitution by the government representative, we must note that sexual orientation was recommended for inclusion in the constitution from the Political Reform Report of 2000 and have yet to advance. We must note as well that the recent comments of the Prime Minister regarding section 53 case do not reflect a serious political commitment to protect all Belizean citizen's against discrimination, especially, base on sexual orientation and gender identity. We must note as well that the over decade long recommendation to include sexual orientation in our constitution as a protection against discrimination has never been advanced.



Sexual Rights Initiative & Caleb Orozco (SRI) response:

There have been no specific measures taken by government to promote tolerance within the system or specific policy shift in planning.

Recommendation n°29: *Take appropriate legislative measures to ensure that no person can be subject to criminal sanctions for same-sex activity between consenting adults. (Recommended by Italy)*

*IRI: not implemented*

UBAM response:

We are in a bruising PR battle right now with the Churches for a constitutional challenge to section 53 of our criminal code with speaks to the following: Every person who has carnal intercourse against the order of nature with any person or animal shall be liable to imprisonment for ten years. However, the churches have said in a recent newscast that we are seeking to change section 53 of the constitution which is about procedure for capital cases. Please see December 5th, 2011 [report from channel 5 news story](#).

Beyond that comment made by the PM Minister of Works Minister Boots Martinez can be quote in an [Interview](#) in the following on PlusTV, a Christian media station on June 7th, 2011: “My position is that God never placed anything on me for me to look at a man and jump on a man. I’ll be clear on it. And I believe that people are entitled to their rights, what they want to do privately, but when you try to enshrine that, if you look in the Bible, you see that that doesn’t exist. I am sorry, I cannot support that, and I will not support that there is no way. I think that everyone has the right to their personal choice, but I have my own view on that. And again, how would you decriminalize that, I am sorry, but that is law. Not only is the law made by man that is a law made from the Bible. Why you think God made a man and a woman, man has what woman wants, and woman has what man wants it’s as simple as that. I didn’t make me for no..., as what I’m said, I’ll fight tooth and nail to keep that law. I don’t see how that can be right.”

After this interview the Prime Minister was noted as [saying on PlusTV](#) the following in June 17th of 2011. There was never any serious intent to change the law nor to address the issue of discrimination.

There was a discussion in the National AIDS Commission for a Legal Review, but that has not come to pass. The Prime Minister Hon. Dean Barrow has made it clear in his following statements the following quote: “On the UNIBAM thing, the position of the GOB is well known. It is a position that as head of GOB I support. I would have wished that these people would have left well enough alone. We do have the laws on the books that criminalize sodomy but we all know that nobody was enforcing those laws if what was illegal was being done in the privacy of your home. Someone might argue “well you should have “, but the State is not intrusive to knock on people’s doors with a warrant to try to catch them in the act. So why on earth would those people come now and say *change that law, it is unconstitutional*. I believe that they are being encouraged and supported from abroad. The GOB is sworn to defend the status quo and that is the position. We will, with our legal resources, go at it with a will... what the courts decide, the courts decide... but we will not give in to any





campaign to just change the law. We don't think that majority opinion in this country wants to see that. Now you might have a debate on that all you like, but the fact is that, on an issue that has such huge cultural, social and religious significance I don't think the GOB can afford to be out of step with what I concede to be the vast majority opinion."

[Rally have been organized](#) in Belize City on the 3rd, 2011 of December in Belize City with Ministers Boots Martinez and mayors of Belize City and Belmopan our capital city speaking against Caleb Orozco and UniBAM who are the litigants in the case. [...]

#### SRI response:

While the National AIDS Commission, a semi-autonomous body under the office of the Prime Minister has recommended repeal of section 53 of the criminal code in a legal review. No progress has been made legislatively. UniBAM has submitted a constitutional challenge to the Belizean court to amend the law so that it does not apply to same sex activity. But to date no significant progress has been made by government.

## Women & Children

Recommendation n°25: *Abolish corporal punishment for children* (Recommended by Germany)

IRI: *partially implemented*

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Recommendation n°43: *Review its legislation with a view to prohibiting all forms of corporal punishment of children* (Recommended by Slovenia)

IRI: *partially implemented*

#### Global Initiative to End All Corporal Punishment of Children (GIEACPC) response:

Prohibition in schools achieved; no other changes to legality since the review but prohibition in the home is being considered

## Other

Recommendation n°4: *Consider the possibility of establishing a national human rights institution in conformity with the Paris Principles*. (Recommended by Algeria)

IRI: *not implemented*

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Recommendation n°14: *Establish a national human rights institution in accordance with the Paris Principles*. (Recommended by Canada)

IRI: *not implemented*

#### UBAM response:

As an organization, we do not see government effectively framing a national plan for the development of a national human rights institution in the foreseeable future as its



priority has been economics not rights. Human resource constraints and technical constraints prevent movement towards such an institution.



## Methodology

### A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

### B. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the



recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

### C. Implementation Recommendation Index (IRI)

*UPR Info* developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

#### ***Disclaimer***

*The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.*

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