



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

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Committee against Torture

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**List of issues prior to the submission of the second periodic report of
Belize (CAT/C/BLZ/2) ***

**Specific information on the implementation of articles 1 to 16
of the Convention, including with regard to the Committee's
previous recommendations**

Articles 1 and 4

1. Please provide detailed information on whether section 7 of the Constitution of Belize on torture conforms to the definition of article 1 of the Convention. Also, please provide any relevant judicial decisions relating to the interpretation of the definition of torture and the implementation of the convention.
2. Please provide detailed information on whether the main provisions of the Convention have been incorporated into domestic law. Are all acts of torture treated as offences under criminal law? What are the penalties for the crime of torture, attempted torture and complicity or participation in torture and which provisions of the penal code apply thereto?

* The present list of issues was adopted by the Committee at its forty-fourth session, according to the new optional procedure established by the Committee at its thirty-eighth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

Article 2**

3. Please indicate the measures undertaken to ensure that detainees are immediately informed of their rights when taken into custody. Please provide information on their rights of access to a lawyer and a medical doctor of their own choice, as well as the right to inform a relative.
4. Please provide information on measures adopted to guarantee that any person under arrest receives independent free legal aid when he/she cannot afford a private lawyer. Please also indicate whether all detainees are promptly informed of their rights in all places of detention.
5. Please provide detailed information on measures taken to enforce the 48-hour time limit to inform detainees of the reason for their arrest and 72-hour time limit to bring them before a magistrate prescribed by the State party Constitution.
6. Please indicate whether alternative measures to imprisonment are implemented by the State party. Has the State party engaged in awareness-raising among the judiciary of the possibility of applying alternative non-custodial measure as a solution to the problem of overcrowding in detention and imprisonment centres?
7. Please provide detailed information on the Domestic Violence Act that took effect in July 2007 and whether there has been an evaluation of such law. Also, please provide detailed information on any cases brought under this law.
8. Please provide detailed information on any effective measures taken to address violence against women. Please provide statistical data on all types of violence against women, the number of complaints received and investigated during the reporting period, as well as the number of prosecutions and conviction thereof.
9. Please provide detailed information on any effective measures taken to address trafficking and exploitation of prostitution. Also, please provide information on effective measures taken in the rehabilitation and social integration of women and girls who are victims of trafficking and exploitation of prostitution. Please provide detailed information on the Trafficking in Persons (Prohibition) Act of 2003 and on any cases brought under this law.
10. Please provide statistical data on the extent of trafficking and exploitation of prostitution in the country, the number of complaints received and investigated during the reporting period, as well as the number of related prosecutions and convictions.
11. Please indicate any steps taken to guarantee the right of children to an adequate standard of living and to ensure that children from economically disadvantaged backgrounds are not exploited or abused. Also, please provide information on measures taken by the State party to effectively prevent and protect all children from trafficking, sexual exploitation and child pornography?

** The issues raised under article 2 could imply also different articles of the Convention, including but not limited to article 16. As general comment No. 2, para. 3, states “the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter “ill-treatment”) under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture ... In practice, the definitional threshold between ill-treatment and torture is often not clear.” See further chap. V of the same general comment.

12. With regard to the Office of the Ombudsman:

(a) Please provide updated information on the mandate and activities of the Office of the Ombudsman with respect to the areas covered by the Convention and in particular to its role with regard to monitoring and visiting prisons.

(b) Please provide information on measures taken to strengthen the Office of Ombudsman. Also, please provide information as to whether the Office has been accredited by the International Criminal Court and whether it is in complete conformity with the Principles relating to the status and functioning of national institutions for protection (Paris Principles).

(c) Please provide information on the number of complaints received by the Office of Ombudsman and the time that it takes to investigate and to respond to these complaints.

(d) Please specify as to the type of complaints and whether any of these complaints involved allegations of torture or cruel, inhuman or degrading treatment of prisoners or other individuals.

13. Please indicate whether any steps have been taken to increase the minimum age of criminal responsibility, which stands at 12 years of age, so that it complies with international standards.

Article 3

14. What effective measures have been taken to ensure that under no circumstances a person should be expelled, returned or extradited to a State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture? Also, please provide information on cases where extradition was denied and on what grounds. Please give details on the number of persons who had fled to Belize to escape torture in neighbouring countries. How have the provisions of article 3 of the Convention been implemented in order for the State Party to fulfill its obligations under the Convention.

15. Please provide data, disaggregated by age, sex and nationality on:

(a) The number of asylum requests registered;

(b) The number of asylum requests approved;

(c) The number of applicants whose requests were granted because they had been tortured or might be tortured if they were returned to their country of origin;

(d) The number of forcible deportations or expulsions (please indicate how many of them involved rejected asylum-seekers); and

(e) The countries to which these persons were expelled.

16. Has the State Party relied on diplomatic assurances? If so, please indicate what measures have been taken to ensure that they conform to the State party's obligations under article 3.

Articles 5 and 7

17. Please provide detailed information on how the State party has exercised its universal jurisdiction over persons responsible for acts of torture, wherever they occurred and regardless of the nationality of the perpetrator or victim, and provide specific examples and texts of any decisions on the subject.

Article 8

18. Please provide information on whether the State party has rejected, for any reason, requests for extradition by another State of an individual suspected of having committed an offence of torture, and has started prosecution proceedings as a result. Please give details of the number of cases that have reached trial and the outcome thereof.

Article 10

19. Please provide detailed information on measures taken to reinforce education and promote activities on human rights with regard to training on the provisions of the Convention and the absolute prohibition of torture for law enforcement personnel and Government officials, especially prosecutors and judges. In particular, please provide information on the training of forensic doctors and medical personnel, especially on the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

20. Please indicate how the results of these trainings are evaluated and assessed.

Article 11

21. Please indicate whether the State party has kept under systematic review interrogation rules, instructions, methods and practices, as well as arrangements for custody and treatment of persons subjected to any form of arrest, detention or imprisonment, with a view to preventing any cases of torture and ill-treatment. If so, please provide detailed information thereon.

Articles 12 and 13

22. Please provide detailed information on steps taken to ensure that alleged human rights violations committed by law enforcement personnel, especially torture and ill-treatment, are investigated and prosecuted by general criminal courts. Also, please provide information on mechanisms to detect and investigate misconduct of law enforcement personnel, especially in cases of torture, ill-treatment and excessive use of force and whether adequate action is taken against those responsible for such crimes.

23. Please provide information on what mechanisms exist to handle complaints, and how persons deprived of their liberty are made aware of their right to complain and are able to exercise this right. Also, please provide information on how follow-up to complaints is handled and by whom. Also, please provide detailed information on steps taken by the Government to improve capacity to hear and independently investigate complaints.

24. Please provide detailed information with respect to persons tried and convicted, including the punishments received, for the crime of torture, attempted torture and complicity or participation in torture.

25. Please provide information on whether all suspects in prima facie cases of torture and ill-treatment are, as a rule, suspended or reassigned during the process of investigation.

26. Please provide detailed statistical data, disaggregated by crime committed, geographical location, ethnicity and gender, on complaints relating to torture or acts amounting to cruel, inhuman or degrading treatment, which have been filed during the reporting period, as well as related investigations, prosecutions, convictions and on penal or disciplinary sanctions applied.

Article 14

27. Please provide detailed information on how victims of torture could claim redress and whether a statutory scheme exists for compensation, as opposed to compensation through judicial action. Also, please provide information on the compensation provided to victims and/or their family and provide specific examples of such cases.

28. Please provide detailed information on measures taken by the Government to ensure that statements and other evidence obtained through torture may not be invoked in any proceedings, except against a person accused of torture and provide specific examples and texts of any decisions on the subject.

Article 16

29. Please indicate the measures being taken to bring to an end the use of corporal punishment through section 39 of the Criminal Code which allows the use of “justifiable force” for the purposes of correction by those with authority over children under 16 years of age.

30. What measures were taken to combat police violence and ill-treatment towards lesbian, gay, bisexual and transsexual persons and to promote the education and sensitization of members of the police on their obligations in terms of non-discriminatory treatment towards such persons and persons living with HIV/AIDS? Please provide examples of the training of law enforcement officers and the results.

31. According to information before the Committee, please provide detailed information on what measures were taken to put an end to the continued reports of police violence and prison abuse and to investigate and prosecute police officers involved in such incidents, as well as information on human rights training at the Police Academy by the Human Rights Commission of Belize.

32. Please provide detailed information on steps taken to address overcrowding and inhumane conditions of detention in prisons, in particular with the conditions in the country’s only prison in Hattieville.

33. Please provide detailed information on the conditions of detention with regards to the implementation of an HIV/AIDS/sexually transmitted infections prevention programme for those deprived of their liberty, including sensitivity and awareness workshops, free distribution of condoms and voluntary counselling and training.

Other issues

34. Please provide updated information on measures taken by the State party to respond to any threats of terrorism and please describe if, and how, these anti-terrorism measures have affected human rights safeguards in law and practice and how it has ensured that those measures comply with all its obligations under international law, especially the Convention, in accordance with relevant Security Council resolutions, in particular resolution 1624 (2005). Please describe the relevant training given to law enforcement officers; the number and types of persons convicted under such legislation; the legal safeguards and remedies available to persons subjected to anti-terrorist measures in law and in practice; whether there are complaints of non-observance of international standards; and the outcome of these complaints.

35. Please provide information on steps taken to become a party to the Optional Protocol to the Convention. Please also indicate what steps have been taken by the State party to accept the competence of the Committee under articles 21 and 22 of the Convention.

36. What steps have been taken to abolish capital punishment in the State party's domestic legislation?

General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention

37. Please provide detailed information on the relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level that have occurred since the initial report, including any relevant jurisprudential decisions.

38. Please provide detailed relevant information on the new political, administrative and other measures taken to promote and protect human rights at the national level since the initial report, including on any national human rights plans or programmes, and the resources allocated thereto, their means, objectives and results.

39. Please provide any other information on new measures and developments undertaken to implement the Convention and the Committee's recommendations, since the consideration of the initial report in 1994, including the necessary statistical data, as well as on any events that occurred in the State party and are relevant under the Convention.
