



2020

ANNUAL REPORT



OFFICE OF THE OMBUDSMAN
DON'T SUFFER IN SILENCE





2020 ANNUAL REPORT



LIST OF ACRONYMS

AGM	Attorney General's Ministry
BBA	Belize Bar Association
BCP	Belize Central Prison
BDF	Belize Defence Force
BMC	Belize Medical Council
CC	Criminal Code
CCRC	Civilian Complaint Review Committee
CITO	Central Information Technology Office
CRF	Consolidated Revenue Fund
DHS	Department of Human Services
EIDHR	European Instrument for Democracy and Human Rights
EU	European Union
FOIA	Freedom of Information Act
GOB	Government of Belize
IBC	International Business Companies
IFSC	International Financial Services Commission
JP	Justice of the Peace
LSD	Lands and Surveys Department
NFIS	National Financial Literacy and Inclusion Project
NGBVC	National Gender-Based Violence Committee
NHRI	National Human Rights Institution
NWC	National Women's Commission
OA	Ombudsman Act
ORC	Ombudsman Reports Committee
PD	Police Department
SSB	Social Security Board
UNFPA	United Nations Fund for Population Activities
UNHCR	United Nations High Commission for Refugee

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Ref: 001/HROMB/2021

23rd February 2021

Hon. Valerie Woods
Speaker of the House of Representatives
The National Assembly
Belmopan

Dear Madam Speaker,

I have the honour to present the Ombudsman's Twentieth Annual Report which covers the period January 1st to December 31st, 2020.

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

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lionel Arzu".

Lionel Arzu, MSc.
Ombudsman of Belize

LA/kt

Encl.

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Ref: 002/SOMB/2021

23rd February 2021

Hon. Carolyn Trench-Sandiford
President of the Senate
National Assembly
Belmopan

Dear Madam President,

I have the honour to present the Ombudsman's Twentieth Annual Report which covers the period January 1st to December 31st, 2020.

The report is submitted in accordance with Section 28(2) of the *Ombudsman Act*, Chapter 5 of the Substantive Laws of Belize, which states: -

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Ombudsman of Belize

LA/kt
Encl.



OUR VISION

To contribute to the development of good governance and public administration of Belize, by advocating for judicious, transparent, and reliable service in holding the public sector to their mandates.

OUR MISSION

To serve with integrity, demonstrating tenaciousness in our investigation and resolution of complaints by achieving the highest standards of treatment, competence, efficiency, and justice for all persons of Belize.



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OMBUDSMAN'S REMARKS

Mr. Lionel Arzu, Msc., Ombudsman of Belize

It is my honor, pleasure, and duty to present to members of the National Assembly of Belize and the public the Twentieth Annual Report of the Ombudsman. This is my eighth report. My staff and I have worked persistently and enthusiastically to carry out our mandate and responsibilities.

As with previous reports, the Twentieth Annual Report summarizes the work of the Office in 2020 within the framework of the Ombudsman's Act, as well as the Freedom of Information Act ("FOIA"). Under the FOIA, the Ombudsman has the jurisdiction to review decisions made by ministries, departments and prescribed authorities refusing or deferring access to documents upon requests made by members of the public. In 2020, two (2) new applications for review was made to the office under the FOIA. While the Ministry of Fisheries, Forestry, the Environment and Sustainable Development willingly made the public documents accessible, lamentably the Ministry of Natural Resources did not compile with demand letters from the Ombudsman to make the public document readily accessible. Also, a total of ninety-one (91) new complaints were received at the Ombudsman's Office for the current reporting period.

The year 2020 was one of continued collaboration among stakeholders including, but not limited to local, regional and international organizations. I also took the opportunity during virtual meetings to inform stakeholders about the programs/activities of the Office of the Ombudsman. We hope that the collaborations will continue well into the future. I was able to attend the First Ordinary meeting of the Central American Council for Human Rights Defenders/Ombudsmen in Copan Ruinas, Honduras, Central America. This meeting dealt with the business of the Council, and we held discussion with stakeholders and collaborators.

The advent of the COVID-19 pandemic forced a government lockdown in April 2020, but we were able to carry out the mandate of the office by informing the general public via a press release of new ways to contact members of staff. Complainants were advised to email their complaints or access the forms on the website. Upon our return to work in early May 2020, complainants were advised that they can write and deliver their complaints to the office, use the office email or access the forms on the website. Nelson Mandela once said, *"Everyone can rise above their circumstances and achieve success if they are dedicated and passionate about what they do."*

The Twentieth Annual Report is presented, not only, as a report on the execution of the functions of the Office of the Ombudsman; but also, as a summary of the public's opinion on current administrative practices. Furthermore, it is hoped that this report will help to enhance meaningful reforms in public administration as it relates to this office.

The functions of the Ombudsman are governed by the Ombudsman Act, Chapter 5, Revised Edition 2000. This Act gives the Ombudsman all powers he needs to intercede on behalf of ordinary citizen in his relations with public and other authorities, in order to ensure that the citizen is dealt with fairly and that explicit or implicit powers given are not abused. Many citizens suffer the consequences of the improper or unjust exercise of power by public or other authorities because they are unable to afford legal counsel to put their cases before a court of law. In other instances, the quality of the advocate they can afford to retain may not be up to the task of representing them successfully against the counsel available to the authorities. Mother Teresa once said, *"Human rights are not a privilege conferred by government. They are every human being's entitlement by virtue of his humanity."*



I take this opportunity to extend my heartfelt gratitude to the Honorable Members of the National Assembly of Belize, Members of the Ombudsman Report Committee and Staff members of the National Assembly for the invaluable support afforded to the Ombudsman's Office staff during 2020. I also want to thank our local, regional and international partners for their continuous support in advocating for the human rights of our citizens. I would like to give special thanks to my colleagues: Mrs. Kia Diaz-Tillett, Legal Officer; Ms. Keila Teck, Investigator; Ms. Winnie Parchue, Research and Records Officer; Ms. Juanita Sho, Secretary; Mr. Lindon Mai, Security/Office Assistant; and Ms. Kimberlyn Marin, Office Cleaner. With your support, hard work and dedication in 2020, we were able to accomplish a commendable level of success despite the challenges that came our way.

We are hopeful and re-energized by our efforts and committed to the task of ensuring that together, we can advocate for a transparent, accountable, efficient and effective government for all. There is no doubt that the Office of the Ombudsman has made significant advancement in improving the quality of democracy for the citizenry of Belize, as well as for a nationalistic political leadership that focusses on the wellbeing of the country and citizens. Dr. Martin Luther King, Jr. once said, *"The time is always right to do the right thing."*

I hope that this report is informative and beneficial to you all; and we look forward to your continued support for the work of the Office of the Ombudsman, as well as a productive and brighter 2021.

Your Humble Servant,

A handwritten signature in black ink, appearing to read "Lionel Arzu".

Lionel Arzu, MSc
Ombudsman of Belize



INTRODUCTION

THE OFFICE OF THE OMBUDSMAN

The Ombudsman finds its origin in the Country of Sweden where the first Ombudsman was appointed in 1807. The need for an Ombudsman has survived over many centuries and has been established in most countries around the world. This need is ever-present, as the social and economic impact of maladministration is far-reaching.

The Office of the Ombudsman of Belize is governed by the **Ombudsman Act Chapter 5 (“OA”)**. The OA of Belize was fashioned after the Jamaican Ombudsman Act. The OA was passed by the government in April 1994. However, it was not until five years later that the Act was enforced, and the office was established by the government in July 1999. The Office of the Ombudsman officially opened its doors on August 25th, 1999.

Although given several aliases including inspector general, citizen advocate, public defender, and public advocate to name a few, despite its nomenclature the role of the office is the same. The Office of the Ombudsman plays a crucial role in achieving good governance and public administration. This involves the promotion of transparency, fairness, equity, and administrative justice in the operation of the Belize public administration that fall under the jurisdiction of the office. The Office of the Ombudsman seeks to restore dignity and justice to individuals with a sustained grievance against a public institution.

As a neutral third party neither swayed by the public authority in question or the complainant, the Office of the Ombudsman objectively views the circumstances of the matter and identifies any existence of maladministration. In other words, the existence of the Office of the Ombudsman creates an equilibrium between public authorities and the vulnerable populace. This is achieved by mediating with parties to ensure there is good administration by public authorities. Furthermore, the office is charged with the identification of systemic issues that result in poor service or breaches of justice.

In the execution of its mandate, the Office of the Ombudsman is empowered by OA; to make recommendations, review Freedom of Information applications under the **Freedom of Information Act Chapter 13**; summon public authorities and make special reports to National Assembly when recommendations are not adhered to.



THE OMBUDSMAN AND THE FREEDOM OF INFORMATION ACT

The Freedom of Information Act Cap 13 (“FOIA”) enacted in 1994, grants members of the public a general right to the access of official documents in the possession of public bodies or authorities (**Section 9**).

This Act is a characteristic of a democratic society. The FOIA enshrines the concept that information collected and generated by the government, is a resource of the people, for the people and it is to be accessible as freely as possibly by the people. It seeks to promote the principles of accountability, openness, transparency and increased public participation.¹

Under **section 16**, the Act stipulates that the Ministry or prescribed authority must take all reasonable steps to inform an applicant of its decision and do so as soon as practicable but no later than two weeks after the day on which the request is received by or on behalf of the Ministry or prescribed authority. Further, where the public authority denies the request, the Act mandates that a response in writing detailing the reasons for the decision is sent to the applicant (**Section 21**).

Where the public authority fails to respond within the time set out by the Act or the applicant believes that the reason given for refusal of access was unsatisfactory, the applicant can apply to the Office of the Ombudsman to review the decision. **Section 35 (1) FOIA**, empowers the Office of the Ombudsman to review the decisions of public bodies with regards to granting access to a document by a request or deferral of access where an application is made.

Therefore, the Office of the Ombudsman steps in as a mediator to ensure that the information requested is delivered or where there are reasonable grounds to deny such an application that this is properly communicated to the applicant. The Office of the Ombudsman ensures that the provisions of the **FOIA** are adhered to.

¹ Roger Simon et al v The Permanent Secretary of the Ministry of Education CV 2017-00869.



Six key features of the Ombudsman





Executive Summary

1. During the period 1st January 2020 to 31st December 2020 (hereinafter called the “reporting period”), the Office of the Ombudsman has received and recorded for investigation **ninety-one (91)** new complaints of corruption, wrongdoing, injustice, injury, or abuse during this year’s reporting period.
2. The most common of these allegations received were harassment, wrongful termination, abuse of power, and unlawful detention.
3. According to **Section 2 (1) and (2) of the OA**, only governmental or public authorities, companies in which the government owns 51% of its shares can be investigated. Of the **ninety-one (91)** new complaints received, **eighty-three (83)** complaints were made against a variety of governmental authorities, including ministries, departments, statutory bodies, and city council(s). **Eight (8)** complaints were made against private persons.
4. Most complaints recorded were made against the Police Department (“**PD**”), like previous years. During this reporting period **forty-two (42)** new complaints against the PD were received by the Office.
5. Of the **ninety-one (91)** new complaints received, **fifty-three (53)** originated in the Belize District. The others were from **Corozal (two (2))**, **Cayo (twelve (12))**, **Orange Walk (five (5))**, **Stann Creek (eight (8))** and **Toledo (two (2))**. **Nine (9)** of these complaints the district of origin is unknown.
6. Most of the complaints received were from female complainants who were between the ages of 18 and 65 years old.
7. Of the **ninety-one (91)** new complaints received, **forty (40)** were investigated, **forty-two (42)** are active or undergoing investigation and **nine (9)** had no jurisdiction.
8. The Office of the Ombudsman also received **two (2)** new applications for review made under the **FOIA**.
9. The complaints have been further discussed and analyzed based on their respective, subject matters, authorities, geographical origin, the nationality of complainants, sex, and gender of complainants. This information is presented in the section headed “Statistical Report for the Period of January 1st to December 31st, 2020”.
10. The Report also highlights the “Areas of Concern” based on the statistical data recorded for 2020.
11. The Report also highlights the “Impact of Covid-19” based on the statistical data recorded for this period.



12. The Report compiles all the meetings, training, and workshops attended by the Ombudsman, Legal Officer, Investigator, and Research and Records Officer.
13. The General recommendations for this year, have been made in this Report with the hope of assisting authorities in the improvement of their respective administrative practices, reduce the number of future complaints and overall to promote human rights.
14. The Office of the Ombudsman intends to achieve the following;
 - To Improve the process flows and management of complaints;
 - To complete the implementation of the Ombudsman Complaint System designed by CITO;
 - To collaborate with local, regional and international organizations whose mandate are similar to the Office of the Ombudsman; and
 - To follow up on the recommendations made in the Annual Report.



Statistical Report for the Reporting Period of January 1st to December 31st, 2020

Definitions of jargon used in this section:

- **Advised/Referral** – The Office looked at the complaint and it was not a matter to investigate.
- **No jurisdiction** – The complaint did not fall within the ambit of the Office’s jurisdiction.
- **Not sustained** - The complaint was found to be without merit.
- **Sustained-** Investigations demonstrate that the complaint has merit.
- **Withdrawn** - The Office made the decision to stop all further investigation and proceed to close the file.
- **Pending** - The file is awaiting the receipt of further information.

OVERVIEW OF INVESTIGATIONS FOR 2020

The Office of the Ombudsman derives its investigative jurisdiction from Section 12(1) and 12(2) of the OA. This section states as follows:

“12(1) Subject to the provisions of this Act, where the Ombudsman has reasonable cause to believe that, a) an authority or an officer or member of an authority has been guilty of corruption or other wrongdoing; or b) any person or body of persons has or may have sustained injustice, injury or abuse as a result of any action taken by an authority or an officer or a member of such authority, arising out of or connected with the exercise of the administrative functions of that authority (whether before or after the commencement of this Act), the Ombudsman may investigate the action so taken,

Provided that the Ombudsman shall not investigate any matter or action which arose or was taken more than 10 years before the commencement of this Act.

(2) The expression “abuse” as used in subsection (1) above shall include any act of discourtesy or refusal to act and any act motivated by discrimination based on religion, language, race, sex, colour or creed.”



For the reporting period of January 1st to December 31st 2020, the Office of the Ombudsman handled a total of **ninety-one (91) complaints**. **Eighty-four (84)** of these complaints were new complaints received by the Office of the Ombudsman during the reporting period. **Seven (7)** of these complaints were brought forward from previous years. The Office of the Ombudsman observed a decrease by **eleven (11)** complaints as compared to the previous reporting year of 2019 which had a total of one hundred and **two (102)** new complaints.

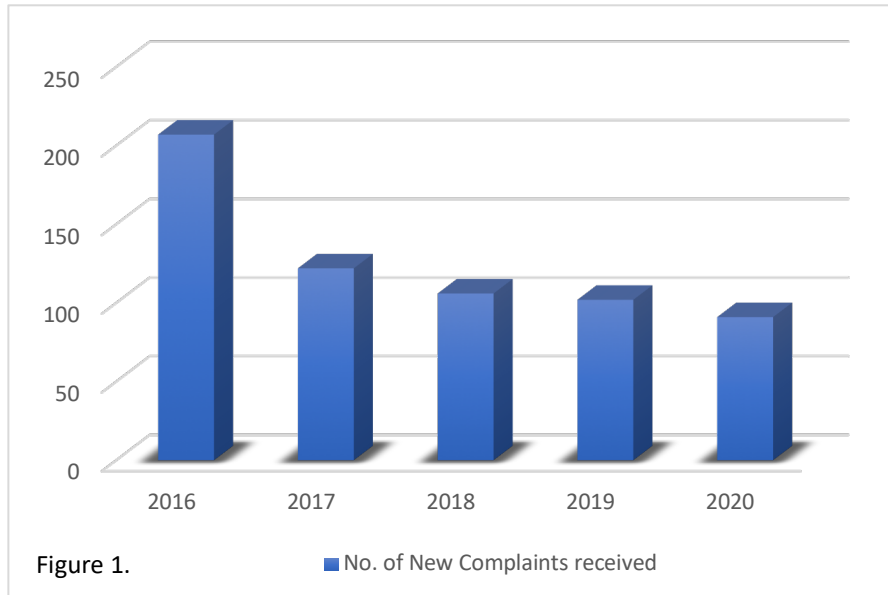


Figure 1 - Five (5) year trend of new complaints received, and complaints brought forward from previous years (2016-2020).

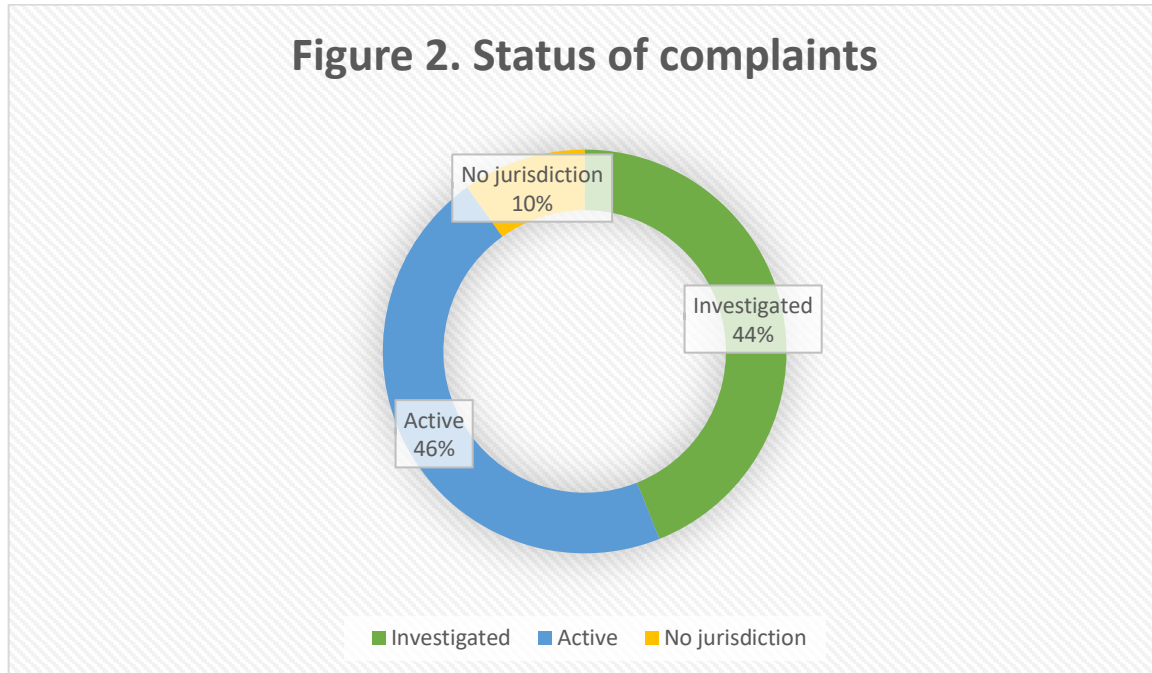


Figure 2. Illustrates the status of the ninety-one (91) complaints received by the Office of the Ombudsman during the reporting period.

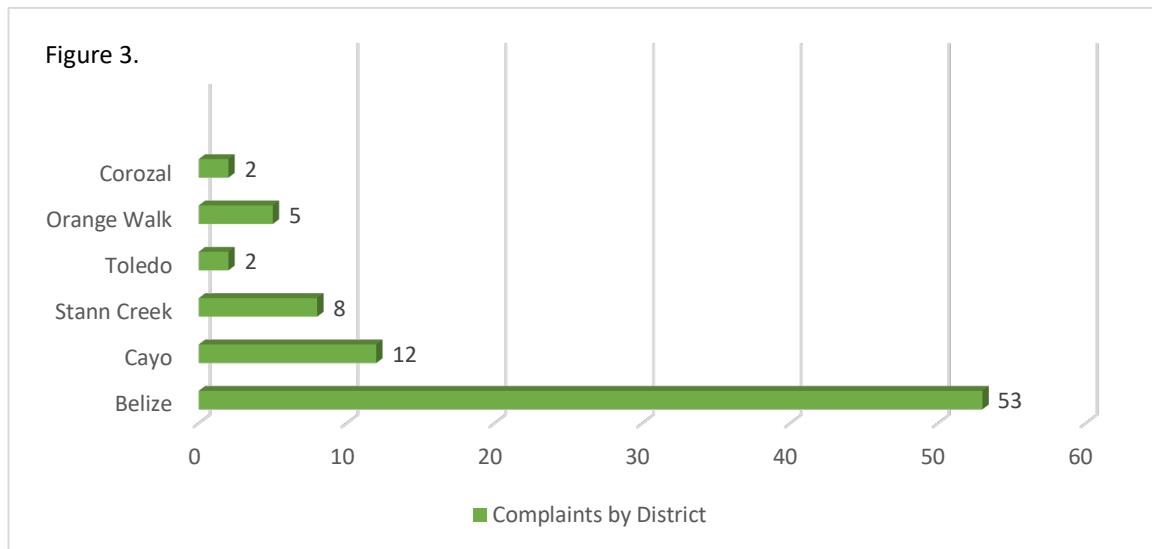


Figure 3 – Illustrates the number of complaints received by the Office of the Ombudsman per district. Nine (9) of the ninety-one (91) complaints district origin is unknown.

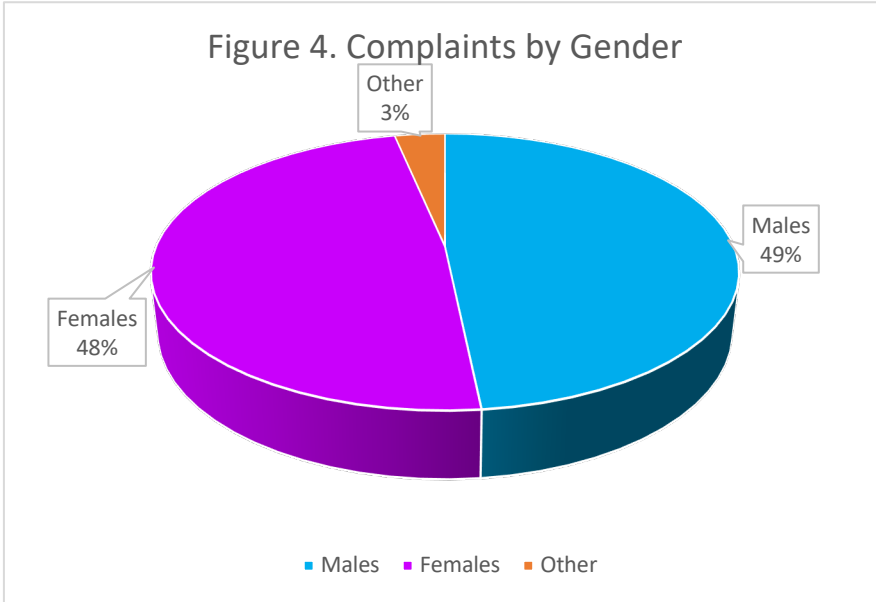


Figure 3 – Illustrates the number of complaints received by the Office of the Ombudsman per gender. Other represents agencies or other legal entity in which a gender could not be prescribed.

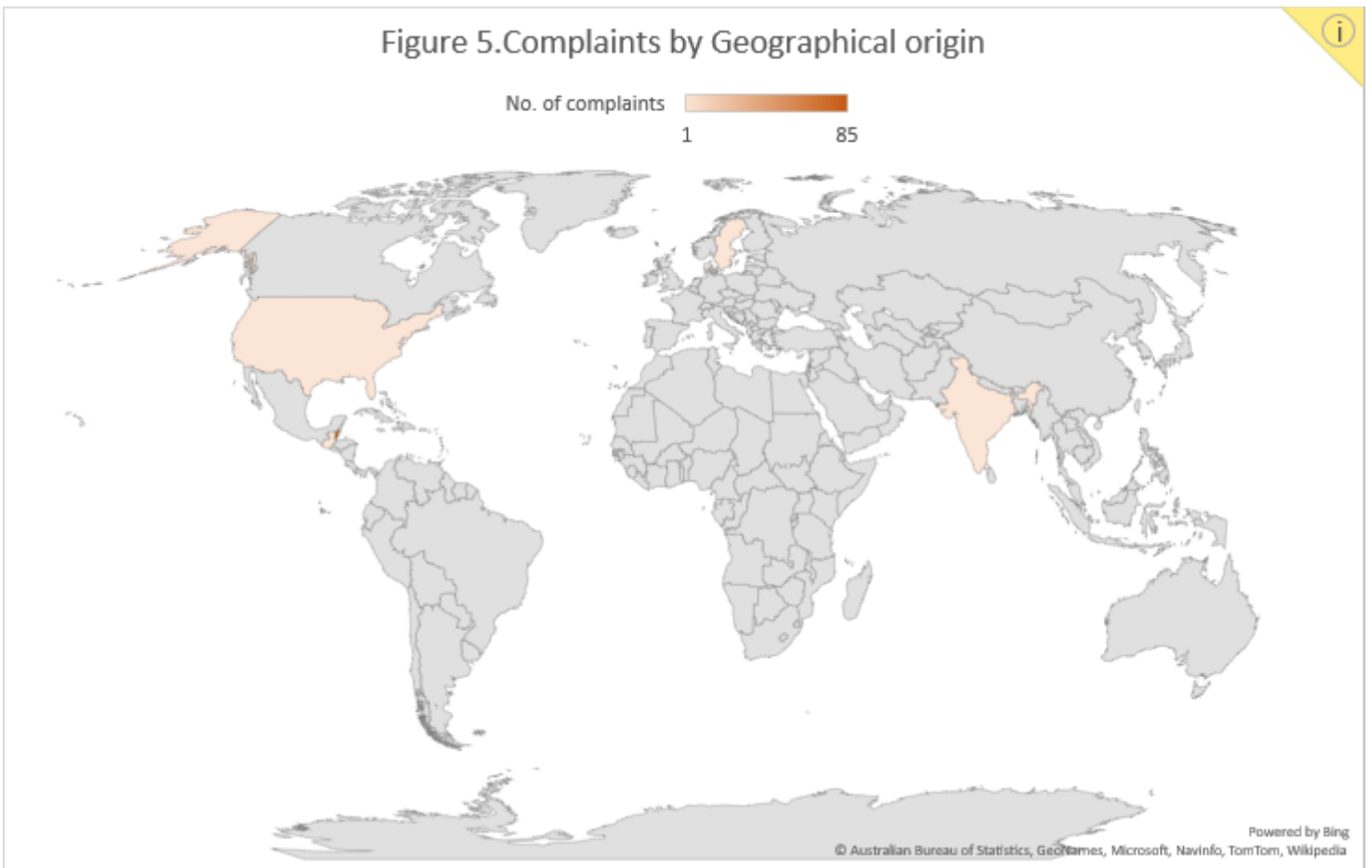


Figure 5 – Illustrates the nationality or geographical origin of complainants. Eighty-five (85) complaints were received from Belize, two (2) from England; one (1) from Guatemala; one (1) from the United States; one (1) from Sweden; and one (1) from India.



Table 1. The following is a summary of the type of subject matters/ nature of complaints received from each district.

District	Subject Matter/ Nature	Total
Belize	Harassment	04
	Wrongful termination	04
	Arbitrary stoppage of salary	01
	Abuse of power	03
	Neglect/Failure to act	08
	Detention of property	01
	Denied visitation rights	01
	False charge	02
	Arbitrary arrest	01
	Unlawful detention	01
	Injustice	01
	Delay	02
	FOIA	01
	Incorrect pension	01
	Lack of information	02
	Legal assistance	08
	Procedural negligence	02
	Inhumane treatment	01
	Public health issue	01
	Police brutality	04
	Damage to property	01
	Misuse of funds	02
	Error in Judgment	01
Cayo	Threatening words	01
	Legal Assistance	02
	Neglect/Failure to Act	03
	Arbitrary arrest	01
	Arbitrary search	01
	Unlawful detention	01
	Harassment	01
	Infringement of Human rights/ Unconstitutional	02
Orange Walk	Wrongful termination	01
	Procedural impropriety	01
	Right to information	02
	Harassment	01
Corozal	Wrongful Termination	01
	Harassment/abuse of power	01



	Neglect/Failure to Act	02
Stann Creek	Outstanding wages/benefit	01
	Humanitarian assistance	01
	Unlawful entry, search, deprivation of property, sexual harassment, deportation	01
	Delay	02
	Neglect/Failure to Act	01
	Ill treatment	01
	Procedural impropriety	01
Toledo	Medical Negligence	01
	Assault	01

Table 2. The following is a summary of the subject matter and no. of complaints received from each Authority.

Authority	Subject matter	Total
Police Department	Harassment	09
	Failure/Neglect to Act	09
	Arbitrary stoppage of salary	01
	Arbitrary arrest	02
	Unlawful detention	01
	Police Brutality	04
	False Charge	02
	Procedural Negligence	01
	Deprivation of Property	03
	Damage to property	01
	Inhumane treatment	02
	Illegal eviction	01



	Threatening words	01
	Arbitrary Search	01
	Assault	01
	Harm	01
	Total No. of Complaints	42
Belize Central Prison	Wrongful termination	01
	Humanitarian Assistance	01
	Delayed sentencing	01
	Unlawful detention	01
	Neglect/Failure to act	01
	Inhumane treatment	01
	Parole assistance	01
	Total No. of complaints	07
Ministry of Human Development, Social Transformation and Poverty Alleviation (Department of Human Services)	Lack of information	02
	Neglect/failure to act	01
	Breach of statutory duty	01
	Total No. of complaints	04
Ministry of Foreign Affairs, Foreign Trade & Immigration	Legal Assistance	03
	Discourtesy of officers	01
	Total No. of complaints	04
Ministry of Natural Resources (Lands and Surveys Department)	Neglect/Failure to act`	01



	Delayed	01
	Procedural impropriety	01
	FOIA	01
	Total No. of complaints	03
Public Service Commission	Denial of benefits	01
Embassies		
American Embassy	Legal assistance	01
Belize High Commission (London)	Delay	01
	Total No. of complaints	02
Attorney General's Ministry (Vital Statistics)	Legal assistance	03
	Total No. of complaints	03
Ministry of Education	Incorrect Pension	01
	Wrongful termination	01
	Total No. of complaints	02
Ministry of Agriculture, Fisheries, Forestry, and Environment	FOIA	01
	Total No. of complaints	01
Ministry of Transport	Irregularities	01
	Total No. of complaints	01
ITVET	Wrongful termination	01
	Total No. of complaints	01
Karl Heusner Memorial Hospital	Medical negligence	01
	Assistance with Student leave	01



	Total No. of complaints	02
Ministry of Labour, Local Government and Rural Development	Employment dismissal	01
	Ill-treatment from public officer	01
	Delay	01
	Total No. of complaints	03
Judiciary		
Family Court	Error in judgment	01
	Neglect to investigate	01
Magistrate Court	Legal assistance (bail)	01
	Total No. of complaints	03
Ministry of Health and Wellness	Unlawful detention	01
	Public Health issue	01
	Total No. of complaints	02
Belize Defence Force	Violation of human rights	01
	Total No. of complaints	01
Belmopan City Council	Unconstitutional act	01
	Total No. of complaints	01
Private Entities	Outstanding Benefits	01
	Wrongful Termination	01
	Misuse of funds	02
	Professional misconduct	01
	Total No. of Complaints	08



AREAS OF CONCERN

1.

- Police Department

2.

- Belize Central Prison

3.

- Ministry of Human Development, Social Transformation and Poverty Alleviation

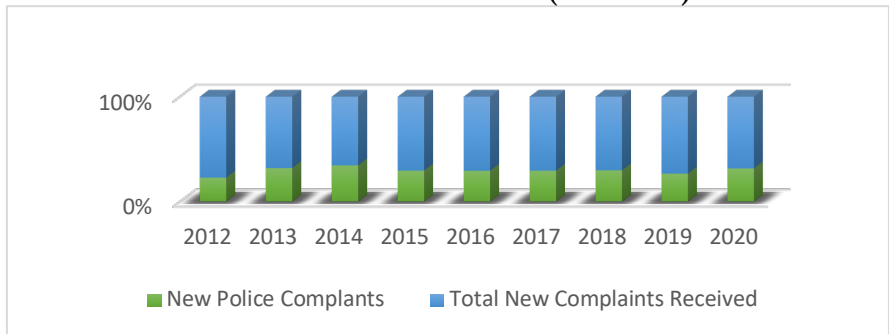


BELIZE POLICE DEPARTMENT



The Office of the Ombudsman has received numerous complaints against the Belize Police Department (“BPD”). During this reporting period **forty-two (42)** new complaints recorded by the Office of the Ombudsman were made against the BPD. The Office of the Ombudsman continues to express its concern with the failure of the BPD in addressing these complaints brought against it in an expeditious manner. For the reporting period **sixteen (16)** complaints of the **forty-two (42)** remain under investigation and have been brought forward into the new reporting period. In the past years, the BPD has maintained its position as the authority with the highest number of complaints lodged against it. The chart below displays the trend over the past **seven (7)** years.

POLICE COMPLAINTS COMPARED TO TOTAL NO. OF COMPLAINTS RECEIVED (2012 – 2020)



It is also noteworthy that recommendations from the Office of the Ombudsman to the BPD are not adhered to and/ or the BPD fails to acknowledge or implement the same.



Common complaints received by this Office of the Ombudsman this year against the Police Department include the following:

- Arbitrary arrest
- Arbitrary search
- Deprivation of property
- Harassment
- Neglect/ Failure to act
- Police brutality

[Cite your source here.]

It is in this context the Office of the Ombudsman suggests the following recommendations to the BPD:

1. Improvement and renewal of internal polices in each police precinct:

- Re-evaluate leadership roles.
- Conducting precise and thorough investigations.
- Identification of early warning systems to expose and handle police officers; and
- Effective disciplinary action.

2. Revision of training exercises to include sensitivity to brutal force.

3. Police officers should be properly screened to avoid recruiting officers with backgrounds of violent tendencies.

4. Introduction of bodycams.

5. Proper daily logs should be kept in station diaries and pocket diaries by every officer.

6. That Professional Standards Branch (“PSB”) office should be relocated out of the Police Precinct and given an independent office to reduce the fear of victimization by complainants.

7. The officers that record statements in PSB should be impartial and not affiliated with police officers or the Police Department.

8. The removal of officers from the BPD by recommendations made by the PSB or the Office of the Ombudsman as a result corruption or acts of wrongdoing should be publicized as an effort to promote trust in the BPD by the citizens of Belize.

9. Strengthen the National Forensic Science Services and the Police Department’s capacity to investigate and prosecute crimes.

10. Strengthening the relations between the Ombudsman Office and the BPD by adherence of both offices to the Memorandum of Understanding agreed to by the Ombudsman Office and BPD.



BELIZE CENTRAL PRISON



While the conditions in Hattieville Prison have improved considerably since the Kolbe Foundation Ltd took over its management in 2002, there is still more work that needs to be done.

Once a person has been committed, he/she becomes a ward of the State. It is, therefore, the responsibility of the State to ensure that prisoners are not mistreated, and their rights are protected during the service of their sentence.

As expressed by the late Nelson Mandela while speaking to the prison staff of South Africa in 1998, *“the full contribution, which our prisons can make toward a permanent reduction in the country’s crime-rate, lies also in the way in which they treat prisoners. We cannot emphasize enough the importance of both professionalism and respect for human rights.”*

During the reporting period **Seven (7)** new complaints were brought against BCP giving them the second-highest rank among the complaints received.

Complaints received included the following:

- Delayed sentencing
- Lack of medical care to prisoners
- Inhumane treatment
- Unlawful detention
- Wrongful termination
- Parole assistance



As of the 31st December 2020, there were 1,823 incarcerated prisoners at the BCP, most (91%) of them being adult males. The prison populace comprised of 724 convicted inmates and 1,099 remanded inmates.²

While the Office of the Ombudsman plays a key role in addressing all the complaints received from prisoners, some of these complaints fall outside of our jurisdiction. By virtue of the Third Schedule of the OA, the Office of the Ombudsman is prohibited from investigating certain complaints. Item 1 of the Third Schedule states that the Office of the Ombudsman shall not investigate the commencement or conduct of civil or criminal proceedings in any court of law in Belize or before any international court or tribunal. This means that complaints such as delayed sentencing, or unlawful detention must be referred to the Chief Justice, the Director of Public Prosecutions (DPP) and the Legal aid for their attention where necessary.

The Death Penalty Project published in 2014 comprehensively highlights the conditions at the nation's prisons. The project included a discussion on pre-trial delays, mentally ill inmates, medical and health facilities among other concerns.³ The complaints received by the Office of the Ombudsman since 2014 are indicators that these concerns are persisting.

Due to the nature of complaints received by the Office of the Ombudsman against BCP during the reporting period, the Office of the Ombudsman reiterates the following concerns:

1. Indefinite detention of mentally ill prisoners

In accordance with Section 122 of the Indictable Procedure Act Chapter 96 of the Substantive laws of Belize Revised Edition 2011, mentally ill prisoners are kept in custody until Her Majesty's pleasure is known.

Section 122 reads as follows, *"Where any person is found to be insane under sections 119 and 120 of this Act, or has a special verdict found against him under section 121 of this Act, the court shall direct the finding of the jury to be recorded, and thereupon may order the person to be detained in the safe custody, in such place and manner as the court thinks fit, until the State's pleasure is known."*

² Kolbe Foundation Belize. Central Prison Report: January – December 2020.

³ Middleton, Joseph. (2014) Behind the Prison Gates: Findings and recommendations from a visit to Belize Central Prison.



The Office of the Ombudsman received a complaint from a family member of a mentally ill inmate during the reporting period. The inmate has been in custody at Her Majesty's pleasure for the past 12 years without having been convicted. During the investigation conducted by the Office of the Ombudsman, it revealed that there are no procedures in place for a periodic psychiatric evaluation of inmates with mental illnesses. Further, there is no psychiatrist providing regular services or care at the prison. Our findings also showed that there are no set trial dates for the review of detention for inmates in custody until Her Majesty's pleasure is known. Our investigation showed that the inmate displayed no active signs of psychosis. This raised the question whether the continued custody without having been convicted was constitutional. This complaint was referred to the Chief Justice for necessary intervention.

2. Pre-trial delays and excessive demands in custody

It is enshrined in the Constitution of Belize, Chapter 4 that a person charged with a criminal offence is *"shall be presumed to be innocent until he is proved or has pleaded guilty"*. Further that persons should *be brought before a court of law without unjust delay*.

However, a large percent of the prison population is on remand awaiting trials. Persons under these indictments are forced to endure waiting periods ranging from seven (7) to ten (10) years resulting in heavy court backlogs and inefficiencies in the judicial system.

3. Delay in Access to Medical care

Prisoners at the Kolbe Foundation complain of the lack of proper medical healthcare especially prisoners with long-term medical conditions. They also complain of the lack of communication and feedback from the prison regarding dates of new medical appointments. Sick or physically incapacitated prisoners commonly complain of bedsores due to improper care.

It is in this context that the following recommendations are put forth:

Our Recommendations:

- ✓ Political engagement and appropriate allocation of funds to the Prison.
- ✓ Appointment of a Superintendent of the Prison to ensure the general governance of the Prison.



- ✓ Raising awareness of the treatment of mentally ill patients.
- ✓ Litigation or amendment to Indictable Procedure Rules can be brought to challenge the existing legal position on the continued detention of inmates with mental illness.
- ✓ Establishment of a mental health institution to serve the country of Belize which facilitates in-patient and long-term accommodation.
- ✓ Review of the Legal Aid and Advice Centre Bill to mitigate against the number of unrepresented defendants who are charged with serious offences.⁴
- ✓ The system of Preliminary Inquiries should be abolished in order to utilize scarce judicial time and resources at the Magistrate Court for the hearing and conclusion of trials, and to enable cases to be brought for trial at the Supreme Court expeditiously.⁵

The following recommendations have been adapted from the United Nations Standard Minimum Rules for the Treatment of Prisoners⁶:

- ✓ Discipline and order should be maintained with firmness, but with no more restriction than is necessary for safe custody and well-ordered community life.
- ✓ The following should be determined by the law or by the regulation of the competent administrative authority.
 - conduct constituting a disciplinary offence.
 - the types and duration of punishment which may be inflicted.
 - the authority and competent to impose such punishment.
- ✓ No prisoner should be punished except per the terms of the Prisons Act.
- ✓ Corporal punishment, punishment by placing in a dark cell, and all cruel, inhumane, or degrading punishments shall be completely prohibited as punishments for disciplinary offences.

⁴ Attorney General's Ministry of Belize (2005). The White Paper on Criminal Justice Reform. Retrieved from <https://www.yumpu.com/en/document/read/36193684/the-white-paper-on-criminal-justice-reform-belize-law>.

⁵ Ibid.

⁶ United Nations Human Right; "Standard Minimum Rules for the Treatment of Prisoners". Retrieved from <https://www.ohchr.org/EN/ProfessionalInterest/Pages/TreatmentOfPrisoners.aspx>.



- ✓ Punishment by close confinement or reduction of diet shall never be inflicted unless the Medical Officer has examined the prisoner and certified in writing that he is fit and able to sustain it.
- ✓ The same should apply to any other punishment that may be prejudicial to the physical or mental health of the prisoner.
- ✓ The Medical Officer should visit prisoners undergoing such punishments daily and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.
- ✓ Prisoners should be allowed, under necessary supervision, to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.



MINISTRY OF HUMAN DEVELOPMENT, SOCIAL TRANSFORMATION AND POVERTY ALLEVIATION

The Ministry of Human Development, Social Transformation and Poverty Alleviation is the lead entity of the Government of Belize in the development of people, enabling them to realize their full potential and play a meaningful role in their communities. To deliver on these tasks, various departmental entities have been established, each performing distinct functions and delivering distinct services. One such department is the Child Protection Services Division. This division is tasked with protecting children from physical, emotional, sexual abuse, neglect and exploitation, alleviation of family dysfunction, family preservation with an aim in the first instance to reunify children with their families or as a last resort proper placement in adoptive homes.⁷

By virtue of section 46 of the Families and Children Act Chapter 173 of Belize Substantive Laws RE 2011, it is a general duty of the Government of Belize to safeguard and promote the welfare of children; and to mediate in any situation where the rights of a child are infringed upon and especially regarding the protection of a child, the child's health and education, and the child's succession rights to the property of his parents.

During the reporting period the Office of the Ombudsman received **five (5)** new complaints against the Department of human development.

Complaints received against the department included the following:

- Breach of statutory duty
- Lack of information
- Neglect/failure to act
- Discourtesy
- Breach of confidentiality

⁷ Ministry of Human Development, Social Transformation and Poverty Alleviation. Department of Human Services. Retrieved from <http://190.197.46.105/index.php/service-units-2/departament-of-human-services/child-protective-services/>.



By order of the Family Court or a Magistrate Court of Belize a supervision order; care order or award of custody may be given to the department in accordance with Section 98 of the Families and Children Act Chapter 173 of the Substantive Laws of Belize Revised Edition 2011. Thus, by virtue of item 1 in the third schedule of the OA the Office of the Ombudsman does not have jurisdiction to investigate or intervene into this process.

Notwithstanding this, the complaints received by the Office of the Ombudsman against the department have not been in relation to the custody or orders of the court but the treatment of children and their respective families by the department. Specifically, the lack of communication by the department to family members, the unprofessional treatment of sensitive information and lack of confidentiality of officers or agents of the department, lack of trust in the department to deliver items or money given by the family to the child and the overall discouragement of familial support.

Excerpt from complaints received by the Office of the Ombudsman:

Excerpt 1:

“I am writing concerning my granddaughter who was placed in foster care....as a concerned grandmother I have tried to have contact with my grandchild through Human Service, but they have given me a difficult time....on numerous occasions I have visited the office to inquire about my grandchild but was ignored, disrespected, discouraged and silenced. We are puzzled and worried about the welfare of the child and would like to know what the social services intention is for the child.”

Excerpt 2:

“My intention of reaching out to Human Development was to see what I can do to assist my niece....I love my niece but the behaviour of these people give me little hope...to date I am unaware of where my niece is..the human development has put her away from us and she feels that no one wants her.”

Excerpt 3:

“We are gravely concern about our eldest niece, the child has been going through so much from a very young age..we cannot stand the cruel treatment anymore...we decided to make a report to the Department of Human Services....later that evening the same day as which the report was made, we received a threatening text message sent by the mother, our sister...we were already aware that there seems to be absolutely no confidentiality in the service.”

The department has the following statutory duties as set out by the Families and children’s Act;

No.	Section	Type of Order	Duties and responsibilities
1.	S. 102	Supervision order	<ul style="list-style-type: none"> a) To be friendly to, advise, and assist the supervised child; b) To advise the parents; c) To make plans for the child’s future in consultation with the child and his or her parents or guardians;



			<p>d) To apply to the court to discharge or vary the order if necessary; and</p> <p>e) To take such other reasonable steps as may be necessary to reduce any harm to the child.</p>
2.	S. 111	Care Order	<p>1. Duty of the Department, before and after the termination of the care order, to work with the parents, guardians, or relatives, to whom the child returns or is expected to return after the termination the care order.</p> <p>2. The duties of the Department under this section include child and family counseling, before, during and after child's return and gaining the assistance of those in the community who can help in the process of resolving the problems which caused the care order to be made.</p> <p>3. In carrying out its duties under this section, the Department shall bear in mind the wishes of the child.</p> <p>4. Where a child is placed with a foster family, it shall be the responsibility of the Department to communicate with the guardians or parents of the child, to inform them of the progress of the child and to arrange a trial period for the child to be at home as soon as it is appropriate.</p> <p>5. The social services practitioner shall visit the child during the trial period at home and make plans for the future of the child in consultation with foster parents, the natural parents, or the adoptive parents.</p>
3.	S.116	Removal of a child under emergency protection	Whenever a child is placed under emergency protection, his parents, or the persons with whom the child was living shall be informed as soon as practicable and shall be allowed to have contact with the child unless it is not in the interest of the child.
4.	S126	Foster Care	It shall be the duty of the approved children home and social practitioner to maintain contact with the parents or relatives of a child in the home as well as to maintain contact between the child and the parents or relatives of the child.

The above sections display an integral role of the Department in maintaining, facilitating, and protecting familial relationships. Unless there is an exclusion order made by the court prohibiting a named person from having contact with the child (Section 113 Families and Children Act).



It is in this context that the Office of the Ombudsman puts forth the following recommendations:

1. Establishment of internal policies on confidentiality and customer service.
2. Conduct training and workshops with staff at all levels to ensure comprehension of internal policies.
3. Periodic assessments of staff to ensure enforcement of internal policies.
4. Assess method of record keeping and management to ensure proper records are kept of all children within the system.
5. Records should include persons if any that are excluded from contacting a child.
6. Appropriate access to records to members of staff to facilitate dissemination of information to family members.



Other Concerns

The concerns highlighted below are based on the observations made by the Office. These are frequent issue(s) faced by the general public in accessing the services of the public sector:

- 1. Inefficient record keeping by Ministries/Government Departments/Agencies. General complaints based on inaccurate records, lost, or misplaced files, erroneous information.**

The failure to maintain accurate and proper records can result in allegations of bias, incompetence, or corruption on the part of public officers.

It is crucial that the maintenance of accurate and proper records be viewed as a mandatory obligation by all Ministries/ Government Departments/Agencies.

- 2. Failure by the Ministries/Government Departments/ Agencies to provide timely updates to applicants.**
- 3. Failure by the Ministries/Government Departments/Agencies to communicate with applicants.**
- 4. Failure by the Ministries/Government Departments/ Agencies to respond to requests for information in an expeditious manner or taking the appropriate action (s) to bring closure to matters.**
- 5. Administrative delays in processing approvals and other services within a reasonable time and/or within time prescribed by statute.**
- 6. Unreasonable delay for persons incarcerated in obtaining trial dates, having their appeals and probation hearings heard as well as complaints about general prison conditions.**



General Recommendations

After the thorough consideration of information recorded during the reporting period, the Office humbly proposes the following general recommendations. These recommendations are put forth with the hope of aiding, in the improvement of administrative practices, the reduction of the number of future complaints and the promotion of human rights.

- Strengthening of Ministries/governmental departments/ agencies with necessary resources to effectively deliver on their mandates.
- Ensuring the accessibility of services to all citizens of Belize including the disabled and ageing members of the society.
- Development of programs which promote the activities of Ministries/governmental departments/agencies so that the citizens of Belize are made aware of their respective roles and services.
- Improve communications and cooperation between all Ministries/governmental departments/agencies.
- Conduct incremental training of all staff members in the Ministries/governmental departments/agencies on internal procedures to improve efficiency, professionalism, and gain citizen trust.
- Improve the communication of feedback to the applicant in a reasonable time after a decision has been made; and
- Ensure that appropriate human resources, with the requisite capabilities for the positions, are available to improve the efficiency of service delivery.

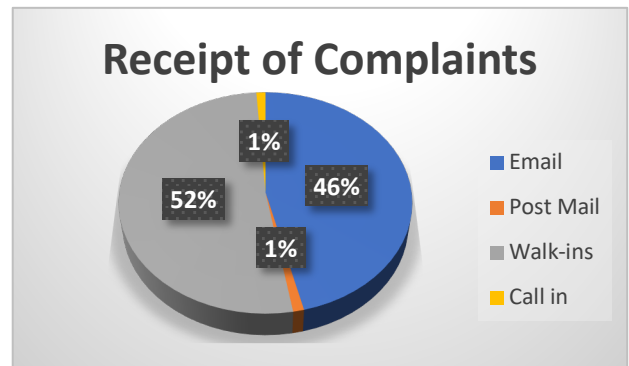
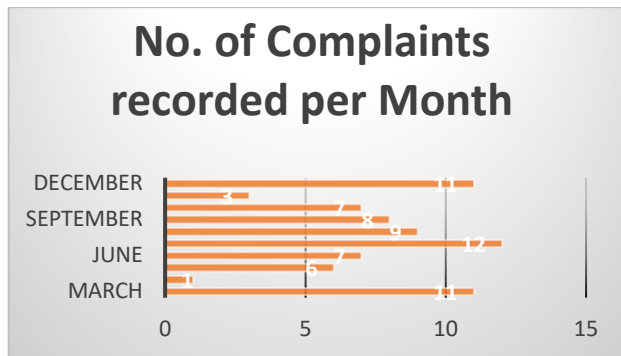


Challenges: Covid-19

The Novel Coronavirus disease 2019 (COVID-19) has been classified as an infectious disease caused by severe acute respiratory syndrome coronavirus 2 (SARS-Cov-2).⁸ The virus was first identified in Wuhan, Hubei China in November 2019. Since then, the virus has spread globally resulting in an ongoing pandemic. As of December 31st 2020, there were 83,969,640 cases reported across 188 countries and territories, resulting in more than 1,828,302 deaths.⁹

On the 23rd March 2020 Belize announced its first case recorded in San Pedro Town. By 13th April 2020 the country had a record of 18 active cases of which two persons died. The country was placed under a state of emergency in hopes to contain the virus and prevent community spread. During this declared state of emergency only essential offices were permitted to open. Many agencies such as this one was innovative and adopted new measures which would allow for operations to continue while staff were at home. Even though the office informed the public of the new measures and change its daily operations, there were still many limitations. The Office of the Ombudsman had to rely heavily upon the individual resources of each staff member as it tried to facilitate complaints using its online website and email to receive complaints. The number of complaints received considerably dropped in April as most of our complainants heavily rely on coming into the office to make their complaints. Another setback was also liaising with the authorities in which complaints were brought against as they also faced their own unique challenges. The staff returned to the Office of the Ombudsman in May when the national lockdown was lifted, and operation went back to facilitating daily walk ins. However, given the unprecedented situation and frequent closures of Ministries/governmental departments/agencies, there was a considerable delay in response and most of the complaints were left unanswered until June.

In August there was a considerable spike in cases. The number of cases within Belize City grew to an alarming number. To safeguard members of staff the Office of the Ombudsman advised the public to make their complaints by email, post mail, to our drop box or over the phone. Appointments with individual complainants were then made if necessary. The Office of the Ombudsman believes that this contributed to the drop in the number of complaints received.



⁸ World Health Organization, Coronavirus disease (COVID-19). Retrieved from <https://www.who.int/emergencies/diseases/novel-coronavirus-2019>.

⁹ Worldometer, Coronavirus worldwide graphs. Retrieved from <https://www.worldometers.info/coronavirus/worldwide-graphs/#total-deaths>.



• UNREASONABLE DELAY

• UNPREDICTABLE ENFORCEMENT



• POOR COMMUNICATION

• FAILURE TO EXERCISE DISCRETION



• LACK OF RESPECT FOR THE OFFICE FROM SOME PUBLIC AUTHORITIES



PROPOSED RECOMMENDATIONS FOR OVERCOMING THE HURDLES

When members of the public visit the Office of the Ombudsman, they have already had a problem that has not been solved. They are seeking the Office of the Ombudsman as their last resort. It is the Office of the Ombudsman's job to sort out the dispute fairly, but for members of the public to be able to rely on the Office of the Ombudsman, some reform is needed. It is in this context that the below recommendations are being put forth.

1. Strengthening the Constitutional Status of the Parliamentary Ombudsman

The Office of the Ombudsman currently derives all its power from the Ombudsman Act Chapter 5 of Belize Substantive Laws. The OA is an ordinary law that can be changed by a simple majority, unlike the Constitution which requires a qualified majority of two thirds. The Constitution of Belize should therefore recognize this office as authority charged with the audit of the public administration with the express function to ensure that the Executive, are accountable to Parliament.

2. Secure tenure of the Ombudsman after serving the initial term of office i.e. three years, instead of the annual appointments:

The Ombudsman is appointed for a period of three (3) years and shall be eligible for reappointment thereafter. The incumbent served a three (3) year period and for the past five (5) years he has been appointed on an annual basis. However, this often creates an undesirable hiatus which can give rise to untoward political maneuvering during the renewal period. To ensure more transparency, many countries have opted for a singly longer term of appointment of between seven or nine years. This does not only mitigate the risk of undue influence but would afford the holder of such a high office adequate time to execute his vision.

3. Increase the accessibility of the Office of the Ombudsman by establishing district offices which are accessible to all members of the public:

Of relevance to the Office of the Ombudsman in their role in providing an easily accessible platform for the citizens of Belize to present their grievances. Since opening its door in 1999 the Office of the Ombudsman has maintained one office situated in Belize City for the purpose of serving all six districts of Belize. The Office does not have sufficient manpower to conduct complaint intake clinics in these districts, which accounts for the low number of complaints received from them. The office building of the Ombudsman in Belize City is also physically inaccessible for persons with disabilities and the elderly.

4. Widening the Office of the Ombudsman's remit:

Amending the Ombudsman Act of Belize to bestow on the Office of the Ombudsman a specific and formal mandate to investigate allegations of violations of Fundamental Human rights. Currently the Office of the Ombudsman's jurisdiction is limited to that of corruption by public authorities.¹⁰

¹⁰ Ombudsman Act 2011, S12.



5. Sharpening the “teeth” of the Office of the Ombudsman:

In the exercise of his primary function as the defender of the people the Office of the Ombudsman in Belize, like many other Ombudsmen around the world, lack executive powers. While the Office of the Ombudsman can recommend a wide range of flexible remedies including financial compensation when appropriate, unlike a Court of Law his recommendations are not binding and can be rejected or ignored by the public authorities. Whether recommendations are adhered to depend heavily on the cooperation of public authorities. The Office of the Ombudsman considers that when a confirmed grievance is not redressed the authority of the Ombudsman is undermined. This inevitably lowers the expectations of citizens on the power and ability of the Office of the Ombudsman to resolve instances of injustice by public administration.

Notwithstanding the above it is undisputed that the Office of the Ombudsman; does not determine rights and obligations; that the investigation he conducts is not adversarial in character and the procedure he adopts, while respecting the rules of due process, cannot be considered to fully comply with all the norms regulating a fair hearing before a Tribunal or Court of Law. However, there should be way of ensuring that the public authority was justified in refusing to implement the Office of the Ombudsman’s recommendation. A sample of these different procedures adopted in other countries to strengthen the power of the Ombudsman is listed in the Appendix III .¹¹ The Office of the Ombudsman of Belize is confident that a number of solutions suitable for the country of Belize can be suggested and are being recommended.

6. Specialization of the Office of the Ombudsman, and convergence into various sectoral, scrutiny mechanisms

The proposals annexed at Appendix II have been adopted from the Report on the Institutional Assessment of the Existing Viable Institutions with a Human Rights Mandate.¹²

¹¹ Pulicino, S.J, (2014). On the Strengthening of the Ombudsman Institution: A proposal by the Office of the Parliamentary Ombudsman, 63-75. <https://www.ombudsman.org.mt/wp-content/uploads/2014/03/On-the-strengthening-of-the-Ombudsman-Institution.pdf>



Complaint Process

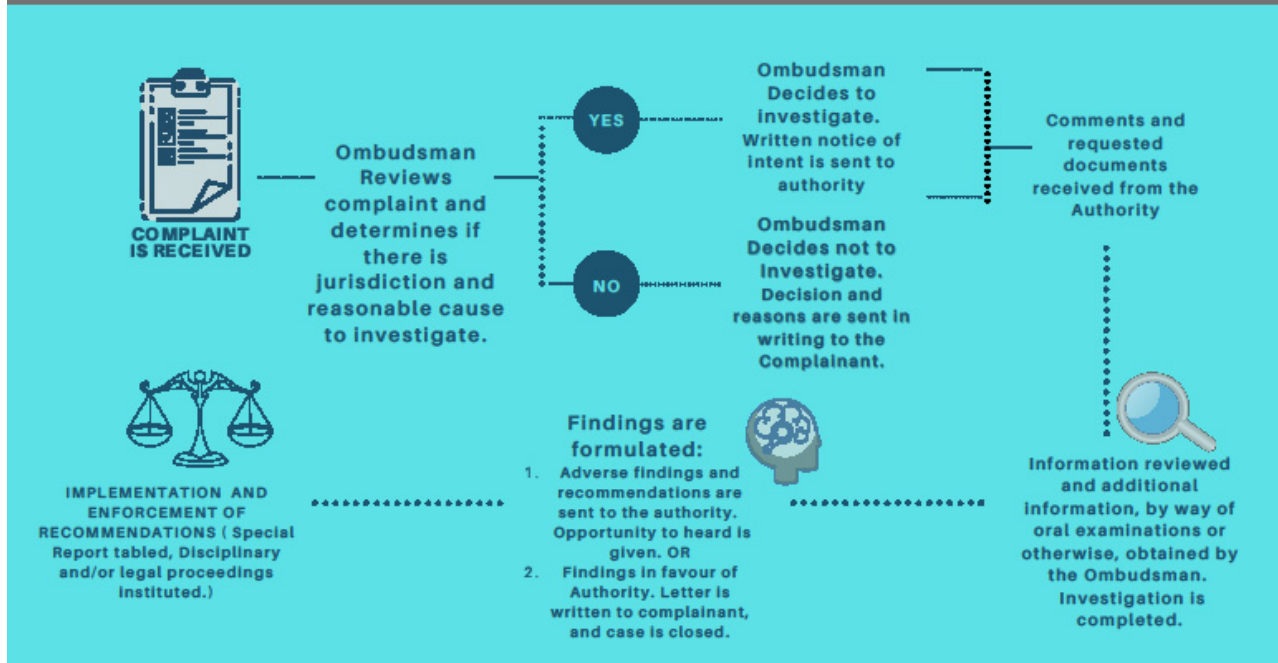
Ombudsman Office of Belize



501-223-3594



Ombudsman@btl.net





COLLABORATIONS, MEETINGS, & TRAININGS,

The Office of the Ombudsman collaborated with local, regional, and international authorities/organizations for the promotion and protection of human rights and the investigation of complaints through formal framework agreements as well as through participation on various ad hoc committees and other initiatives.

Ad Hoc Committees

The Ombudsman and members of his staff also participated on various Ad hoc committees and attended several meetings and trainings. The Ad Hoc Committees includes the National Gender Based Violence Committee under the auspices of the National Women's Commission; The Equal Opportunities Steering Committee under the auspices of the National Aids Commission; and the National Mediation Rules Committee under the auspices of the Judiciary.

Meetings and Trainings

JANUARY 2020

- Attended the Opening and commencement of the Legal year 2020 events - Supreme Court Area, Belize City
- Participated in a technical meeting with CITO and Ombudsman's Staff, Belize City
- Appeared on PGTV program along with the Civilian Complaint Review Committee members for public awareness campaign, Toledo District
- Appeared on Hamalili Radio Station morning show with CCRC members for a public awareness campaign, Dangriga Town



- Appeared on CTV3 morning show and CCRC members for a public awareness campaign, Orange Town
- Participated in a meeting with Hon. Elodio Aragon, Jr, Minister of State, Ministry of National Security and CCRC to discuss the role of both offices, Orange Walk Town
- Participated in a meeting along with Ms. Cynthia Williams, Executive Director, National Women Commission to discuss complaint mechanism, Belize City
- Participated in a meeting with Mayor Kevin Bernard to discuss role of the Ombudsman and the CCRC, Orange Walk Town
- Attended the Civilian Complaint Review Committee monthly meeting, Curl Thompson Building, Belmopan City
- Attend the Belize Defence Force anniversary & Pass out Ceremony for Recruit # 65, Price Barrack, Ladyville, Belize District

FEBRUARY 2020

- Attended the Technical Committee meeting Critical Success Factor 5- Enhanced Governance- Growth and Development Strategy, Ministry of Economic Development Conference Room, Belmopan
- Attended the Tripartite Meeting (Omb Office, Police Dept. and HRCB) to discuss human rights issues and possible collaboration, Police Headquarters, Belmopan
- Met with Mr. Mateo Barney, Political Counsellor, based at the Canadian Embassy, Guatemala City, Office of the Ombudsman, Belize City
- Appeared on Romantico FM radio show along with member of CCRC the role of both offices, Corozal Town
- Appeared on Rainbow FM radio show along with members of the CCRC to explain the roles of both offices
- Appeared on Radio Bahia, radio show along with members of the CCRC to explain the roles of both offices
- Participated in the first Ordinary meeting of the Central American Council for Human Rights Defenders/Ombudsmen, Copan Ruinas, Honduras

MARCH 2020

- Attended the Belize Police Recruit intake #94 Pass out ceremony at the Police Training Academy, Belmopan
- Attended a meeting along with the Ombudsman Report Committee for the 19th Annual Ombudsman Report, Committee Room, National Assembly Building, Belmopan

**APRIL 2020**

- Office of the Ombudsman, as well as many GOB offices that deemed non-essential were closed due to effect of COVID 19 pandemic;
- Following the recommendation from the COVID-19 National Oversight Committee there was a declared state of emergency by GOB.

MAY 2020

- Participated in a virtual meeting CITO technical staff and Ombudsman's staff on Microsoft Teams application

JUNE 2020

- Participated in the Tripartite meeting to discuss human rights issues and collaboration, Police Training Academy, Belmopan

JULY 2020

- Met with CEO Alpuche and Ms. Arthurs Human Development reference complaints against the department, NCFC Office, Belize City
- Attended the hand over Ceremony for the GBV Hotline to the Belize Police Department, Queen Street Police Station compound, Belize City
- Attended BCCI 100th Annual General Meeting, Best Western Belize Biltmore Plaza, Belize City

AUGUST 2020

- No meetings were scheduled for the month of August 2020.

SEPTEMBER 2020

- Accompanied members from CCCRC and senior staff members of Ministry of National Security on an official visit to Augustine Pine Ridge Quarantine Center in order to see the layout of the facility and readiness to hold border jumpers, as well as other persons



OCTOBER 2020

- Participated in a virtual meeting for the Civilian Complaints Agencies, to discuss issues reported to the agencies and possible collaboration among the parties concern
- Participated in virtual meeting with UN Resident Coordinator, Mrs. Birgit Gertenberg, along with the Belize staff members, role of the Office of Ombudsman and possible collaboration
- Participated in virtual meeting with Marilyn Pinelo-Lee, et'al, UNDP for Regional Study on the State of Criminal Justice Information Management in the Region
- Participated in virtual UNDP Study Interview-Criminal Justice Information Systems

NOVEMBER 2020

- Courtesy call was done by H. E. Martha Ofelia Zamirripa Rivas, Mexico's Ambassador to Belize to Lionel Arzu, Ombudsman, to discuss topic of mutual interest to both parties
- Visited H.E Remus Li- Kuo Chen, Taiwan's Ambassador to Belize to receive a donation of face masks, Taiwan Embassy, Belize City

DECEMBER 2020

- Met with Hon. Kareem Musa, Minister of Home Affairs and New Growth Industries to discuss pending complaints in his ministry, Belmopan
- Met with Deputy Prime Minister, Hon. Cordel Hyde, Minister of Natural Resources, Petroleum & Mining, to discuss pending complaints in his ministry, Belmopan

APPENDICES

APPENDIX I

PRISON STATISTICS 2020

APPENDIX II

PROPOSED
RESTRUCTURING OF THE
OFFICE

APPENDIX III

TABLE OF SOLUTIONS

APPENDIX IV

IMPORTANT SECTIONS OF
THE OA

APPENDIX V

FREQUENTLY ASKED
QUESTIONS

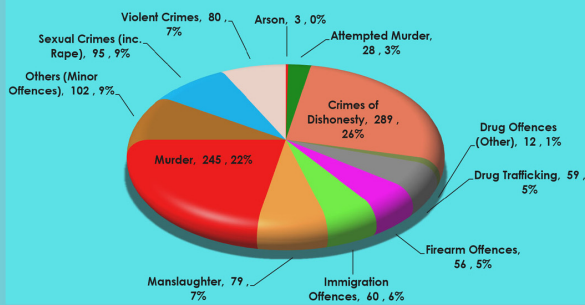
APPENDIX VI

PHOTO GALLERY

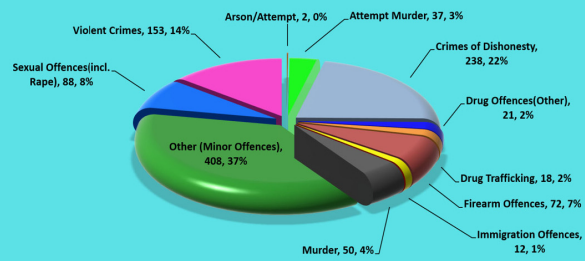


Prison Statistics 2020

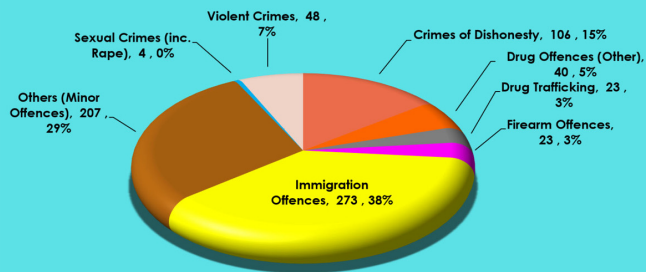
Population by Offence - As of December 31, 2020



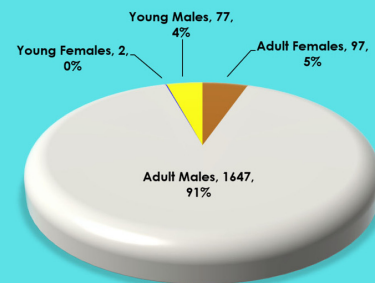
Total Remanded - 2020



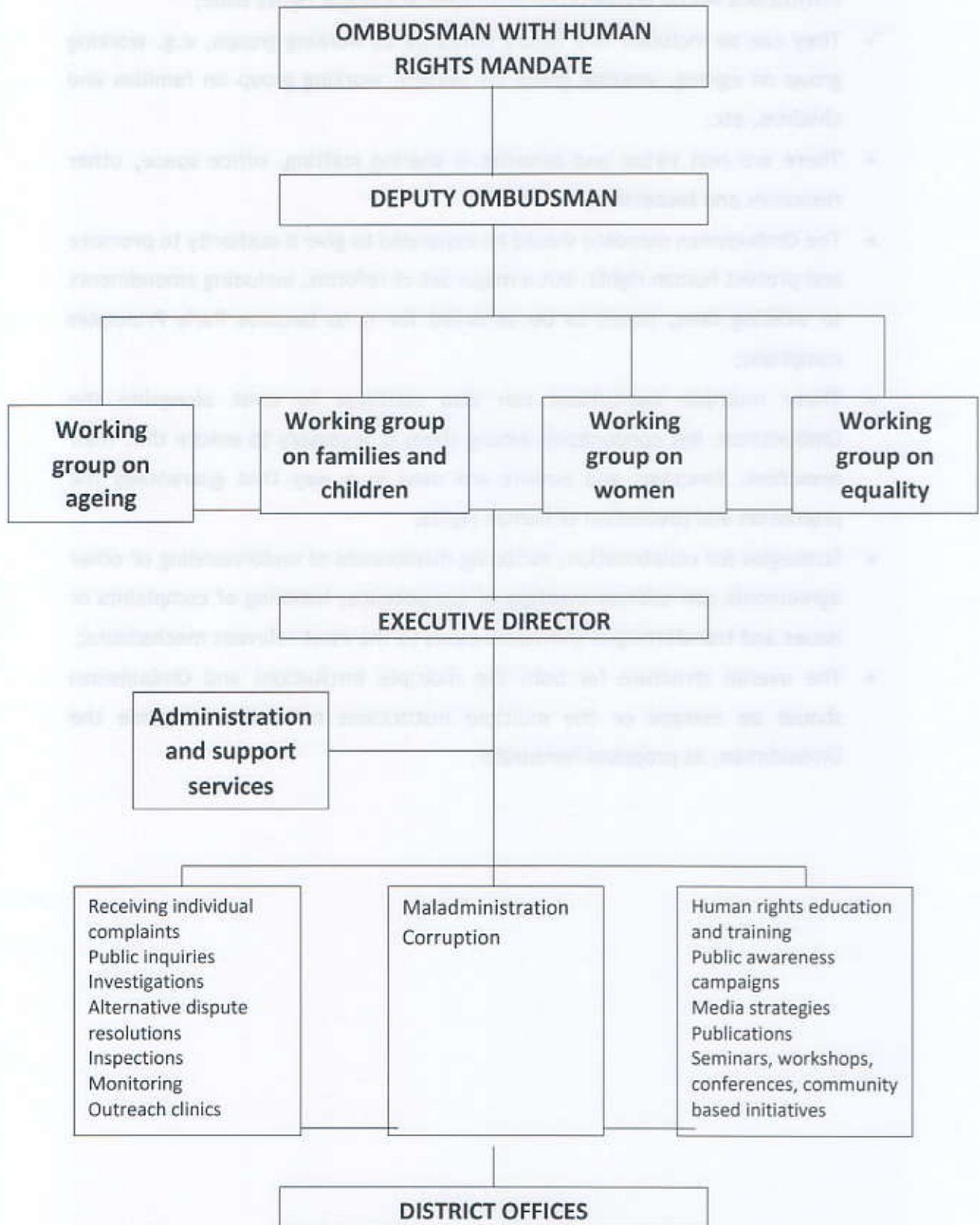
Total Convictions by Offences - 2020



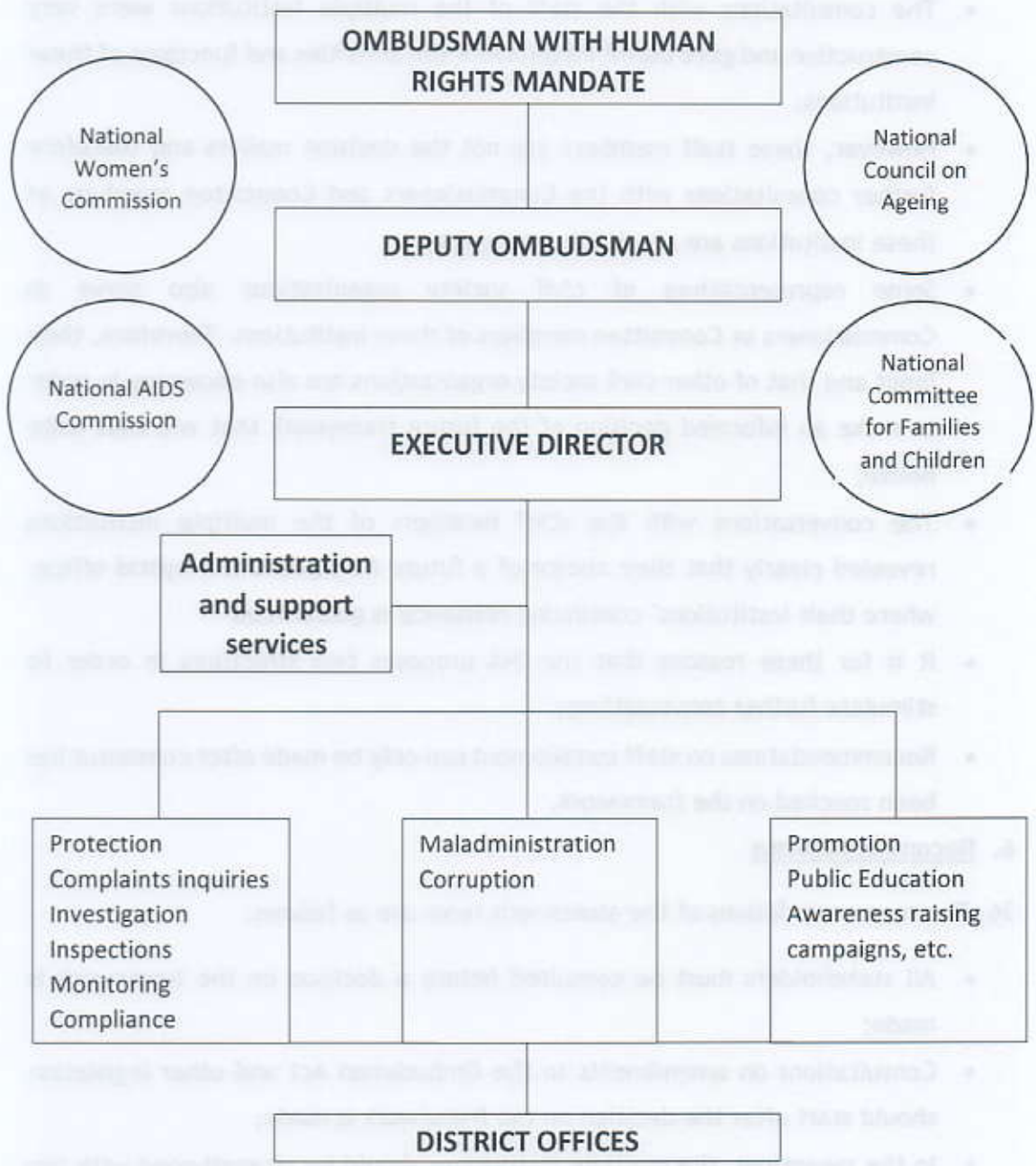
Imprisonment by Category - Jan - Dec 31, 2020



Proposed Structure 1



Proposed Structure 2





Appendix III

No.	Country	Method of enforcement	Legislative Source
1.	Denmark	Where Recommendations of the Parliamentary Ombudsman are not implemented, he has the power to recommend that the complainant be granted free legal aid for legal action to be brought against the authority in a court of law.	Section 23 of Act No 473 of 12 June 1996, the Ombudsman Act.
2.	Northern Island	Where the complainant is not provided with redress following the Regional Ombudsman's decision that there is an act of maladministration, the Ombudsman's report provides the material upon which the complainant can go to court and request the court to make an enforceable award against the authority.	
3.	Sweden	The Ombudsman's opinion is also not legally binding. However, where the Parliamentary Ombudsman finds that an official has acted incorrectly, he has the right to initiate disciplinary procedures against the official for misdemeanors. This is resorted to on very few occasions and the most frequent outcome of the Ombudsman's investigation is a critical advisory comment or some form of recommendation. The most extreme recourse allows an Ombudsman to act as a special prosecutor and brings charges against the official for malfeasance or some other irregularity. While this rarely happens the mere awareness of this possibility means a great deal for the Ombudsman's authority.	
4.	Pakistan	There are specific provisions that enforce the authority in question to adhere to the Ombudsman's recommendation or to provide reasons for non-compliance. If the recommendations are not implemented, the Ombudsman has been conferred by power of committal for contempt to initiate 'defiance of recommendations' proceedings, and may, after the hearing, report on the matter to the President of Pakistan. The matter will be recorded as an adverse entry in the official's character roll.	Article 3(3) of the President's Order No 1 of 1983 which provides that "all executive authorities throughout Pakistan shall act in aid of the Mohasib (Ombudsman)." The power of committal for contempt as vesting in the Supreme Court has been conferred on the Ombudsman by Article 16 of the President's Order No 1 of 1983



5.	Trinidad and Tobago	<p>The following recommendations were suggested:</p> <ul style="list-style-type: none">a) In order to aid the Ombudsman in dealing expeditiously and fairly with complaints or faults in the administration of any department, provision should be made to require the Head of the Department to supply the Ombudsman if he so requests, with a statement of the reasons for making the decision which give rise to such complaints;b) The annual and special reports of the Ombudsman should not only be laid but should also be debated in Parliament as a matter of legal obligation;c) The Ombudsman's recommendations to redress faults in the administration of a government department should be given special attention by the Minister within whose portfolio such department falls; andd) Members of Parliament should as a matter of duty to their constituents and the country as a whole perform with due diligence their obligation to promote observance by the Ministers concerned of the Ombudsman's recommendations to redress grievances resulting from such faults.	1987 Trinidad and Tobago Commission
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IMPORTANT SECTIONS OF 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 regard 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, a statutory body or a corporation with majority Government ownership and declared to be a public corporation.

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 initiative or 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 investigate if he believes.
 - the complaint is trivial
 - the complaint is frivolous
 - the complainant has been deferred for too long
 - the complainant lacks 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 inquiries as he thinks fit. The Ombudsman shall allow the principal officer and any other officer or member to comment in writing before commencing an investigation.

Section 18

- May require any officer or member of a public authority to furnish information and produce any document or thing in relation to the investigation of any matter.

Section 20

- May enter any premises occupied by any authority to inspect any document or record therein in respect of any matter under investigation, notice having been served.

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. The Ombudsman shall lay a Special Report if no adequate action has been taken after giving the authority an opportunity to be heard.

Section 22

- Shall lay a Special Report if there is evidence of breach of duty, misconduct and criminal offence and matter has been referred for disciplinary or other proceedings.

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 willfully contravenes section 14(4), makes any false statement to the Ombudsman or who unlawfully obstructs, hinders or resists the Ombudsman shall be guilty of an offence and liable on summary conviction to a fine or imprisonment.
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FREQUENTLY ASKED QUESTIONS (FAQS)

1. When should a complaint be made?

An official complaint should be made in writing where possible to the government department where the alleged injustice occurred.

The department should be given a reasonable time to internally resolve the matter before making a subsequent complaint to the Office of the Ombudsman.

2. How do I make a complaint?

Complaints should be submitted in writing to the Ombudsman. This can be through any of the following methods:

- Email
- Fax
- Post
- In-Person

We have a complaint form available online which can be downloaded from our website. Feel free to give us a call if you are unsure.

3. What information should my complaint include?

- ✓ Name
 - ✓ Address
 - ✓ Contact number
 - ✓ Email Address
 - ✓ A detailed summary of the events
 - ✓ The Government Department involved
 - ✓ The date the official complaint was made to the government department
 - ✓ The name of the person who recorded the complaint
 - ✓ Copies of all relevant documents of the complaint
-



4. What type of complaints can the Ombudsman investigate?

- Procedural Delay by Government Departments without just cause
- Requests for documents which fall under the FOIA
- Any abuse or injustice by Police Officers
- Unfair treatment
- Wrongful dismissal or unfair dismissal from a Governmental Body
- Deprivation of property

5. Are there areas the Ombudsman cannot investigate?

- The civil or criminal proceeding before any Court
- Contractual or other commercial transactions
- Any action done according to orders or directions under the Defence Act
- Extradition cases
- Any decision or action of the Governor-General/ Public Service Commission as it relates to the appointment, removal or disciplinary control of any person.

Ombudsman Contact Details:

Office/Mailing Address: 91 Freetown Road, Second Floor

P.O. Box # 1376

Belize City, Belize

Tel: 223-3594 or 223-3198

Fax: 223-3198

Email: ombudsman@btl.net

Website: <http://www.ombudsman.gov.bz/>

Facebook: <http://www.facebook.com/ombudsman.belize>

Opening Hours: Monday to Friday,

8:00 a.m. – 12:00 p.m.

1:00 p.m. – 5:00 p.m. (Fri 4:30 p.m.)



A LOOK AT OUR 2020 PHOTO GALLERY





Ombudsman Annual Report 2020

PHOTO GALLERY

