



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

List of issues in the absence of the report of Belize due under article 29 (1) of the Convention*

I. General information

1. Please indicate whether the State party intends to make the declarations provided for in articles 31 and 32 of the Convention, which relate to the Committee's competence to receive and consider individual and inter-State communications (arts. 31 and 32).
2. Please provide information on the powers of the Office of the Ombudsman of Belize with respect to cases of enforced disappearance and on the activities relating to the Convention, including specific examples. Please indicate whether the Office of the Ombudsman of Belize has received any complaints concerning the rights and obligations set out under the Convention. If it has, please describe the actions taken and their results.
3. Please provide information on the steps taken to establish an independent national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).
4. Please specify whether the provisions of the Convention can be directly invoked before and applied by national courts and, if they can, please provide examples of such application.

II. Definition and criminalization of enforced disappearance (arts. 1–7)

5. Please provide up-to-date statistical information on the number of disappeared persons in and from the State party, disaggregated by sex, gender identity, sexual orientation, age, nationality, ethnic origin, religious affiliation and occupation of the victim or other characteristics relevant in national contexts, specifying the date of their disappearance; the number of those persons who have been located; the number of cases in which there may have been some form of State participation within the meaning of article 2 of the Convention; disappearances committed for the purpose of trafficking in persons and, in the light of the Committee's general comment No. 1 (2023) on enforced disappearance in the context of migration, disappearances of migrants (arts. 1–3).
6. With regard to sections 18 and 19 of the Constitution of Belize, please indicate whether, during a state of war or threat of war, internal political instability or any other public emergency, national law permits derogation from any of the rights or procedural guarantees, including judicial guarantees, that are embodied therein or in international human rights instruments to which Belize is a party that might be relevant to preventing and combating enforced disappearance. If so, please enumerate the rights and procedural guarantees from which it is possible to derogate, specifying in which circumstances, under which legal

* Adopted by the Committee at its twenty-sixth session (19 February–1 March 2024).



provisions and for how long. Please also indicate whether the State party envisages adopting a specific legal provision to guarantee that no derogation from the right to not be subjected to enforced disappearance can be made under exceptional circumstances, including a state of emergency (arts. 1, 12 and 24).

7. Please report on the measures taken to incorporate enforced disappearance as an autonomous offence in national criminal legislation in accordance with the definition contained in article 2 of the Convention. Taking into account that enforced disappearance is not yet defined as an autonomous offence in national legislation, please provide information on how the Convention is implemented at present. Please indicate the specific provisions invoked in national legislation to deal with facts amounting to enforced disappearances in compliance with article 2 of the Convention, explaining how these provisions address the arrest, detention, abduction or any other form of deprivation of liberty and how the refusal to acknowledge the deprivation of liberty or the concealment of the fate or whereabouts of the disappeared person would be punished under national legislation. Please also report on the measures taken to criminalize enforced disappearance as a crime against humanity in accordance with the standards provided for under article 5 of the Convention (arts. 2, 4 and 5).

8. Please describe the maximum and minimum penalties provided for in the Criminal Code for crimes that could be invoked to deal with cases of enforced disappearance, indicating whether any of them carry the death penalty. Please also provide information on the possible mitigating or aggravating circumstances, indicating the maximum and minimum penalties that would apply in such cases (art. 7).

9. Please specify whether there is a unified and operational register of disappeared persons regardless of the circumstances and, if so, the kind of information that it contains, and whether such information could enable the differentiation between cases of enforced disappearance as defined under article 2 of the Convention and the other cases of disappearance that do not fall under that category. Please describe the measures taken to: (a) ensure that relevant information about all alleged cases of disappearance is promptly entered into the register and duly updated; (b) compare and consolidate the information contained in the register with the information on disappeared persons held by other State institutions, including those providing forensic services or administering DNA databases; and (c) share, whenever necessary, the registered information with other States potentially related to the disappearance at stake (arts. 1–3, 12, 14, 15 and 24).

10. Please indicate whether complaints have been lodged or cases have been pursued that relate to the commission of any of the actions described in article 2 of the Convention by persons or groups of persons acting without the authorization, support or acquiescence of the State, including disappearances of migrants and disappearances committed for the purpose of trafficking. Please give examples of specific cases and provide information on the number of complaints made, the investigations conducted and their outcomes, the penalties imposed on the persons responsible and the reparation provided to the victims (arts. 3, 12 and 24).

11. Please describe the applicable legislation governing the conduct enumerated in article 6 (1) (a) and (b) of the Convention and how this legislation ensures that any person engaging in such conduct is held criminally responsible. Please also describe the legislation that addresses the prohibition to invoke an order or instruction from any public authority to justify an offence of enforced disappearance and indicate whether the notion of “due obedience” as a criminal law defence has any impact on the effective implementation of this prohibition. In this regard, please explain how the State party ensures the criminal responsibility of any person mentioned in article 6 (1) (a) of the Convention when that person invokes a superior order to justify an enforced disappearance. Please also explain how national legislation guarantees that a person who refuses to obey orders or instructions that prescribe, authorize or encourage enforced disappearance will not be punished and provide information on remedies available to subordinates against potential disciplinary measures resulting from their refusal to carry out such orders (arts. 6 and 23).

12. Taking note of the report of the Special Rapporteur on trafficking in persons, especially women and children, on the visit to Belize in 2013,¹ please indicate whether there

¹ [A/HRC/26/37/Add.6](#).

have been any reports of persons disappeared in the context of trafficking in persons, illegal adoptions or migratory movements (including refugees and asylum-seekers) that may qualify as enforced disappearance or as acts of a similar nature. If so, please provide information on the measures taken to search for the disappeared persons, to investigate their disappearance, to bring perpetrators to justice and to provide comprehensive reparation to the victims (arts. 1–3, 12, 24 and 25).

III. Judicial procedure and cooperation in criminal matters (arts. 8–15)

13. Please indicate whether the State party applies a statute of limitations in respect of cases of enforced disappearance and, if so, please provide information on: (a) the term of limitations applicable to starting criminal proceedings; (b) the moment when that term of limitations commences; and (c) the measures taken to guarantee the rights of victims of enforced disappearance to an effective remedy during the term of limitations (art. 8).

14. Please explain how the State party establishes its competence to exercise jurisdiction over the offence of enforced disappearance in the cases contemplated in article 9 (1) and (2) of the Convention (art. 9).

15. Please describe the procedures in place to ensure the presence of alleged offenders before the competent authorities. Please report on the existing legal, administrative or judicial measures taken to carry out a preliminary inquiry or investigation to establish the facts should the State party take the measures referred to in article 10 (1) of the Convention (art. 10).

16. Please indicate whether military authorities are competent under national legislation to investigate or prosecute alleged cases of enforced disappearance and, if so, in which circumstances and under which legislation (art. 11).

17. Please specify which authorities are responsible for receiving complaints and investigating cases of alleged enforced disappearance, who can report such cases to those authorities and the requirements for doing so. Please also describe the remedies available to complainants in case the competent authorities refuse to investigate their allegations. Please provide information on the mechanisms available in the national legal framework for the protection of complainants, witnesses, relatives of disappeared persons, defence counsel and persons participating in the investigation of an enforced disappearance against all ill-treatment or intimidation resulting from the complaint or any evidence given (art. 12).

18. In the absence of an autonomous crime of enforced disappearance, please indicate whether the provisions of the Belize Extradition Act, which may be invoked for the purposes of seeking an extradition in cases of enforced disappearance, considers enforced disappearance as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Provide information on any extradition agreements with other States parties that may have been concluded since the entry into force of the Convention and indicate whether enforced disappearance has been included in such agreements. Please indicate whether any limitations or conditions could be applied in relation to requests for mutual legal assistance or cooperation under the terms established by articles 14, 15 and 25 (3) of the Convention. Also specify if the State party has made or received requests for international cooperation in respect of cases of enforced disappearance since the entry into force of the Convention and, if so, please report on the measures taken in that regard (arts. 13–15 and 25)

IV. Measures to prevent enforced disappearances (arts. 16–23)

19. Please indicate whether national legislation explicitly prohibits the carrying out of an expulsion, return, surrender or extradition where there are substantial grounds to believe that the person concerned may be in danger of being subjected to enforced disappearance. Please describe the legal framework and procedures applicable to the expulsion, return, surrender or extradition of persons and provide information on the mechanisms and criteria applied in such contexts to evaluate and verify the risk that a person may be subjected to enforced

disappearance. Please also specify whether it is possible to appeal a decision authorizing an expulsion, return, surrender or extradition and, if so, before which authority, under which procedure and whether the appeal has suspensive effect (art. 16).

20. Please describe the national legal provisions that expressly prohibit secret or unofficial detention. Please explain how national legislation guarantees that any deprivations of liberty carried out by the competent authorities without a warrant are in compliance with article 17 (2) (d) and (f) in order to prevent enforced disappearances. Please report on measures taken to guarantee in practice the provisions of sections 5 and 6 of the Constitution. Please indicate whether any restrictions may be applied to the above rights and whether there have been complaints regarding failures to observe these rights. If so, please provide information about the proceedings carried out and their outcome. Please provide information on the authorities, institutions and non-governmental organizations that are authorized, in law and in practice, to visit unannounced all places in which persons are deprived of liberty (art. 17).

21. Please report on measures taken to ensure that all official registers and records of persons deprived of liberty, regardless of the place of deprivation of liberty, include all the elements listed in article 17 (3) of the Convention and are duly completed and kept up to date without delay. Please indicate whether there have been any complaints concerning the failure to record a deprivation of liberty or the recording of inaccurate information in registers concerning persons deprived of liberty. If so, please report on the measures taken to ensure that such omissions are not repeated, including any disciplinary proceedings, sanctions and training involving the personnel concerned. Please also provide information on measures taken to ensure that persons deprived of liberty are released in a manner permitting reliable verification that they have actually been released and assuring their physical integrity and their ability to exercise fully their rights at the time of release (arts. 17, 21 and 22).

22. Please report on measures taken to guarantee that any person deprived of liberty, including asylum-seekers deprived of liberty, and, in the case of a suspected enforced disappearance, that any person with a legitimate interest can take proceedings before a court to challenge the lawfulness of the deprivation of liberty. Please also describe the measures in place to prevent delaying and obstructing the provision of this remedy and to impose sanctions for delays or obstructions (arts. 17 and 22).

23. Please provide information on measures taken to guarantee that any person with a legitimate interest can access all the information listed in article 18 (1) of the Convention and explain the procedures to be followed to gain access to such information. Please explain the restrictions and conditions that may be imposed on such access, describe the means available for appealing against the refusal to disclose such information and indicate the measures in place to prevent delaying and obstructing such appeals and impose sanctions for delays or obstructions (arts. 18, 20 and 22).

24. With respect to the information provided in paragraphs 13–16 of the national report submitted by the State party for the third cycle of the universal periodic review, please indicate if the human rights training for newly recruited national security officers, judges, lawyers and law enforcement personnel includes specific training on enforced disappearances and the Convention, as well as their frequency. Please also specify if the State party envisages providing such training in the terms set forth in article 23 of the Convention to other audiences, such as medical personnel, public officials and other persons who may be involved in the custody or treatment of any person deprived of liberty, including judges, prosecutors and other officials responsible for the administration of justice (art. 23).

V. Measures to protect and ensure the rights of victims of enforced disappearance (art. 24)

25. Please provide details of the definition of victim in national legislation and indicate whether it encompasses all persons enumerated in article 24 (1) of the Convention. Please specify: (a) the forms of reparation and compensation provided for in the national legal system for victims of enforced disappearance and indicate whether they include all those enumerated in article 24 (5) of the Convention; (b) who is responsible for providing

compensation and reparation; (c) whether access to compensation and reparation is contingent on a criminal conviction; and (d) whether there is a time limit for victims of enforced disappearance to gain access to compensation and reparation (art. 24).

26. Please report on measures taken to guarantee that the search for an alleged victim of enforced disappearance is initiated *ex officio* and as soon as the competent authorities are notified of the disappearance, even if no formal complaint has been made, and to ensure that the search continues until the fate of the disappeared person has been clarified. Please also report on measures taken to systematically collect ante-mortem data related to disappeared persons and their relatives and to set up a national DNA database to identify victims of enforced disappearance (art. 24).

27. Please provide information on the legal situation in national legislation of disappeared persons whose fate has not been clarified and that of their relatives, in matters such as social welfare, financial matters, family law and property rights. Furthermore, please:

(a) Describe the procedures in place, such as issuing a declaration of absence or of death of the disappeared person, and their impact on the State party's obligation to continue the search and investigation into an enforced disappearance until the fate of the disappeared person has been clarified.

(b) Explain how the State party ensures the application of a gender perspective in such a context (art. 24).

28. Please describe the measures taken to guarantee the right to form and participate freely in organizations and associations concerned with attempting to establish the circumstances of an enforced disappearance and the fate of disappeared persons and to assist the victims of enforced disappearance (art. 24).

VI. Measures to protect children against enforced disappearance (art. 25)

29. Please explain how the national legal framework specifically criminalizes the conduct described in article 25 of the Convention. Please indicate whether any complaints concerning the wrongful removal of children, in the terms described in article 25 (1) (a) of the Convention, have been made since the entry into force of the Convention for the State party and, if so, describe the measures taken, and the results thereof, to locate those children and prosecute and punish those responsible and on the procedures to return them to their families of origin (art. 25).

30. Please indicate the measures taken by the State party to protect children, especially unaccompanied minors, from enforced disappearance, in particular in the context of migration and trafficking. Please describe the measures taken to ensure that information on unaccompanied minors is adequately recorded, including in the genetic and forensic databases, to facilitate the identification of disappeared children (art. 25).

31. Please describe the measures taken by the State party to prevent illegal inter-country adoptions. In that connection, please describe the legal procedures in place to review and, if necessary, annul any adoption or placement originating from an enforced disappearance. If such procedures have not been set up yet, please provide information on existing initiatives to ensure that national legislation is in full compliance with article 25 (4) of the Convention (art. 25).