



KNOW YOUR RIGHTS



A PUBLICATION
OF THE
PEOPLE'S CONSTITUTION COMMISSION
AND ITS
SECRETARIAT

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THE PREAMBLE

- ★ *affirm* that the Nation of Belize shall be founded upon principles which acknowledge the supremacy of God, faith in human rights and fundamental freedoms, the position of the family in a society of free men and free institutions, the dignity of the human person and the equal and inalienable rights with which all members of the human family are endowed by their Creator;
- ★ *respect* the principles of social justice and therefore believe that the operation of the economic system must result in the material resources of the community being so distributed as to subserve the common good,...;
- ★ *believe* that the will of the people shall form the basis of government in a democratic society...;
- ★ *recognise* that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and upon the rule of law;
- ★ *require* policies of state which protect and safeguard the unity, freedom, sovereignty and territorial integrity of Belize; which eliminate economic and social privilege and disparity among the citizens of Belize...;
- ★ *desire* that their society shall reflect and enjoy the above mentioned principles, beliefs and needs and that their Constitution should therefore enshrine and make provisions for ensuring the achievement of the same in Belize;

[Preamble (a), (b), (c), (d), (e), (f)]

Section 3 of the Constitution of Belize provides:

Whereas every person in Belize is entitled to the fundamental rights and freedoms of the individual, that is to say, the right, whatever his race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely-

- a) life, liberty, security of the person, and the protection of the law;
- b) freedom of conscience, of expression and of assembly and association;
- c) protection for his family life, his personal privacy, the privacy of his home and other property and recognition of his human dignity; and
- d) protection from arbitrary deprivation of property.

The provisions of this Part shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any person does not prejudice the rights and freedoms of others or the public interest.

THE RIGHT TO LIFE AND FAMILY

With respect to the Unity, Sovereignty, and Territorial Integrity of the Nation

- No death penalty without trial and conviction under law – Section 4
- No torture or degrading punishment – Section 7
- No slavery or servitude – Subsection 8(1)

- No forced labour – Subsection 8(2)
- No property of any description shall be compulsorily taken possession of and no interest in or right over property of any description shall be compulsorily acquired except by or under a law that-
 - a) prescribes the principles on which and the manner in which reasonable compensation therefor is to be determined and given within a reasonable time; and
 - b) secures to any person claiming an interest in or right over the property a right of access to the courts for the purpose of-
 - (i) establishing his interest or right (if any);
 - (ii) determining whether that taking of possession or acquisition was duly carried out for a public purpose in accordance with the law authorising the taking of possession or acquisition;
 - (iii) determining the amount of the compensation to which he may be entitled; and
 - (iv) enforcing his right to any such compensation: – Section 17

With respect to Persons and Communities

- Protection for home and family life – Subsections 3 (a, c), 14(1)
- Protection of personal privacy – Subsections 3(c), 14(1)
- The private and family life, the home and the personal correspondence of every person shall be respected – Subsection 14(1)
- Freedom from unlawful interference with privacy, family, home, or correspondence: – Subsection 14(1)

With respect to the Environment, Peace and Security

- No discrimination by sex, race, place of origin, political opinions, colour or creed – Section 16
- Freedom of movement – Subsection 9(1)
- Freedom to gain a living through work, whether by pursuing a profession or occupation, by engaging in a trade or business, or otherwise – Subsection 15(1)
- Freedom from unlawful attacks on honour and reputation. – Subsection 14(1)

THE RIGHTS ASSOCIATED WITH LIBERTY OF THE PERSON

With respect to the Unity, Sovereignty, and Territorial Integrity of the Nation

- Freedom of conscience, including freedom of thought and religion – Subsection 11(1)
- Freedom to change religion or belief – Subsection 11(1)
- Freedom, alone or in community with others, to manifest and propagate religion or belief in worship, teaching, practice, and observance – Subsection 11(1)
- Religious communities may establish, maintain, and manage places of education at their own expense – Subsection 11(3)
- Religious communities cannot be prevented from providing religious instruction for persons of that community in the course of an educational program because the program receives a full or partial government subsidy – Subsection 11(3)
- No person, except by consent or, if under 18, with the consent of his or her parents, shall be compelled to take religious instruction or to participate in any religious ceremony or observance of a religion not his or her own – Subsection 11(2)

- No compelled oath taking that violates religious belief or practice:
– Subsection 11(4)

With respect to Persons and Communities

- Freedom of expression – Subsection 3(b)
- Freedom to receive information – Subsections 3(b), 12(1)
- Freedom to hold opinions, and to communicate ideas and information, publicly or privately, without interference – Subsection 12(1)
- Freedom from interference with one’s correspondence – Subsection 12(1)
- Freedom of movement inside and into and out of Belize: – Subsection 10(1)

With respect to the Environment, Peace and Security

- Freedom of association – Subsection 3(b)
- Freedom of assembly – Subsections 3(b), 13 (1)
- To form and join political parties or political associations – Subsection 13 (1)
- To form and join trade unions or other associations for protection of one’s interests. – Subsection 13(1)

THE RIGHTS RELATED TO SECURITY OF THE PERSON

Rights related to Privacy, Family, and Human Dignity

With respect to the Unity, Sovereignty, and Territorial Integrity of the Nation

- Protection for home and family life – Subsections 3 (a, c), 14(1)

- Freedom from unlawful interference with privacy, family, home, or correspondence – Subsection 14(1)
- Protection from arbitrary deprivation of property: – Subsection 3(d)

With respect to Persons and Communities

- Protection of personal privacy – Subsections 3(c), 14(1)
- Freedom from unlawful attacks on honour and reputation – Subsection 14(1)
- Freedom of movement and residence in Belize: – Subsection 10(1)

With respect to the Environment, Peace and Security

- Private and family life, the home and the personal correspondence of every person shall be respected – Subsection 14(1)
- No person, except by consent, shall be subjected to a search of his or her person or property, or the entry by others on his or her premises. – Subsection 9(1)

Rights related to the Security of Citizens

With respect to the Unity, Sovereignty, and Territorial Integrity of the Nation

- Freedom of movement and residence in Belize: – Subsection 10(1)

With respect to Persons and Communities

- Freedom of movement into and out of Belize: – Subsection 10(1)

With respect to the environment, peace and security

- Immunity from expulsion from Belize. – Subsection 10(1)

Rights of Persons Suspected of, or Charged with, Criminal Offences

With respect to the Unity, Sovereignty, and Territorial Integrity of the Nation

- Presumption of innocence – Subsection 6(3)(a)
- To communicate without delay and in private with a legal practitioner of his choice and, in the case of a minor, with his parents or guardian, and to have adequate opportunity to give instructions to a legal practitioner of his choice – Subsection 5(2)(b)
- To be brought before a court without undue delay and in any case not later than forty-eight hours after such arrest or detention – Subsection 5(3)
- Public trial and proceedings, including verdict, to be held in the presence of the person charged, before an independent and impartial court within a reasonable time – Subsections 6(7), 6(8)
- To facilities, to examine in person or by his legal representative the witnesses called by the prosecution before the court, and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before the court on the same conditions as those applying to witnesses called by the prosecution – Subsection 6(3)(e)
- Not to be tried again for the same offence or for any other offence for which that person could have been convicted at that trial: – Subsection 6(5)

With respect to Persons and Communities

- No arrest without warrant or lawful order based on specified charges – Subsection 5(1) (a)-(j)

- To be informed immediately upon his arrest of his right to communicate with a legal practitioner – Subsection 5(2) (b), (c)
- Unless tried within a reasonable time or released, to bail on reasonable conditions – Subsection 5(5)
- To defend himself before the court in person or, at his own expense, by a legal practitioner of his own choice – Subsection 6(3)(d)
- To have without payment the assistance of an interpreter if he or she cannot understand the language used at the trial – Subsection 6(3)(f)
- If unlawfully arrested or detained by any other person shall be entitled to compensation therefor from that other person or from any other person or authority on whose behalf that other person was acting: – Subsection 5(6)

With respect to the Environment, Peace and Security

- To be informed promptly, and in any case no later than twenty-four hours after ... arrest or detention, in a language he understands, of the reasons for ... arrest or detention – Subsection 5(2)(a)
- To the remedy by way of *habeas corpus*; that is, a person that is detain by police must be taken before a magistrate/judge to determine the validity of his detention – Subsection 5(2) (d)
- Adequate time to prepare a defence to criminal charges – Subsection 5-2(b); Subsection 6(3) (c)-(f)
- No person tried for a criminal offense shall be compelled to give evidence at the trial – Subsection 6(7)
- No retroactive criminal laws or retroactively increased punishments – Subsection 6(4)
- If found guilty of a criminal act or omission, but found to be insane when the act or omission was committed, the person stands

convicted of a criminal offence and any detention shall be regarded as detention in execution of the order of a court. – Subsection 5(7)

The Right of Each Person To Protection Of The Law

With respect to the Unity, Sovereignty, and Territorial Integrity of the Nation

- Equality of citizens – Subsections 16(4)(b), 23 - 24
- Freedom of movement and residence in Belize – Subsection 10(1)
- No retroactive criminal laws or retroactively increased punishments: – Subsection 6(4)

With respect to Persons and Communities

- The conduct of voting; the acquired right of adult citizens to vote – Section 92
- Freedom of movement into and out of Belize – Subsection 10(1)
- No property of any description shall be compulsorily taken possession of and no interest in or right over property of any description shall be compulsorily acquired except for a specified public purpose and payment of just compensation: – Subsections 3(d), 17

With respect to the Environment, Peace and Security

- Equality of protection for all persons – Subsections 6(1), 16
- Immunity from expulsion from Belize – Subsection 10(1)
- A citizen of Belize by birth or descent who acquires the citizenship of any other country may, if the laws of the other country so permit and at his option, retain his citizenship of Belize. – Section 27 (dual citizenship)

THE DUTIES OF THE STATE

During Times of Peace And Security

With respect to the Unity, Sovereignty, and Territorial Integrity of the Nation

- No person shall be entitled under the provisions of this Part to be a citizen of Belize or be granted citizenship of Belize if such person shows any allegiance to or is a citizen of a country which does not recognise the independence, sovereignty or territorial integrity of Belize – Subsection 29(3)
- There shall be a session of the National Assembly at least once in every year, and each session shall be held at such place within Belize and shall begin at such time (not being later than six months from the end of the preceding session if the National Assembly has been prorogued or four months from the end of the session if the National Assembly has been dissolved) – Subsection 83(1)
- No moneys shall be withdrawn from the Consolidated Revenue Fund except to meet expenditure that is charged upon the Fund by this Constitution or any other law enacted by the National Assembly or where the issue of those moneys has been authorised by an appropriation law or by a law made in pursuance of section 116 of this Constitution – Subsection 114(2)
- “Belize” means the land and sea areas defined in Schedule 1 to this Constitution: – Subsection 131(1)

With respect to Persons and Communities

- The Director of Public Prosecutions must have good and sufficient reason to institute, undertake, continue proceedings begun by others, or to discontinue criminal proceedings at any stage before judgment – Subsection 50(2)

- A general election of members of the House of Representatives shall be held at such time within three months after every dissolution of the National Assembly as the Governor-General, acting in accordance with the advice of the Prime Minister, shall appoint – Subsection 85(1)
- The Elections and Boundaries Commission shall be responsible for the direction and supervision of the registration of voters and the conduct of elections, referenda and all matters connected therewith – Subsection 88(13)
- To protect the identity, dignity and social and cultural values of Belizeans, including Belize’s indigenous peoples: – Preamble (e)

With respect to the Environment, Peace and Security

- The Government shall have and maintain at all times majority ownership and control of a public utility provider; and any alienation of the Government shareholding or other rights, whether voluntary or involuntary, which may derogate from Government’s majority ownership and control of a public utility provider shall be wholly void – Subsection 144(1)
- To seek to eliminate economic and social privilege and disparity among the citizens of Belize whether by race, ethnicity, colour, creed, disability or sex; which ensures gender equality; which protect the rights of the individual to life, liberty, basic education, basic health, the right to vote in elections, the right to work and the pursuit of happiness – Preamble (e)
- With certain specified exceptions, all pensions benefits are charges on the general revenues of Belize – Subsection 112(4)
- To promote international peace, security and co-operation among nations, the establishment of a just and equitable international economic and social order in the world with respect for international law and treaty obligations in the dealings among nations. – Preamble (e)

During “Periods of Emergency”

With respect to the Unity, Sovereignty, and Territorial Integrity of the Nation

- Without approval of the National Assembly with two-thirds of the House of Representatives present and voting, to declare any “period of public emergency” on the basis of subversion: – Subsection 18(7)

With respect to Persons and Communities

- When a person is detained by virtue of a law that authorises the taking during a period of public emergency the State shall: within seven (7) days inform that person of the grounds for detention; within fourteen (14) days give public notice in the *Gazette* that the person has been detained and of the particulars of the law authorizing that detention; within one (1) month seek review of that person’s case before an independent and impartial tribunal established by law and presided over by a person appointed by the Chief Justice from among persons who are legal practitioners: – Subsection 19(1)

With respect to the Environment, Peace and Security

- Without approval of the National Assembly, to limit any declaration of a “period of public emergency” to thirty (30) days or less. – Subsection 18(5)

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QR CODES



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