

## **The Ombudsman of Belize & the Human Rights Mandate**

### **I. Brief history**

The National Assembly of Belize passed an Act to establish an Office of a Parliamentary Commissioner known as the Ombudsman in April of 1994. On July 8<sup>th</sup>, 1999, following a Commonwealth Secretariat Advisory Mission led by Dr. Victor O Ayeni, the Office was established and Paul Rodriguez, former Mayor of Belize City (1974-1980) was appointed as Belize's first Ombudsman.

### **II. The Role of the Ombudsman of Belize**

Upon taking Office, the Ombudsman recognized that his role would be expressed in two essential avenues of civilized living. This was expressed very succinctly in the First Annual Report (1999-200) on page 5 under the caption IMPORTANT CONCERNS, as follows: -

#### **THE POLICE AND CRIME**

The practice of being respectful and treating all human beings with the dignity that every person deserves as an inalienable right is not contradictory to, or exclusive of the concept and practice of being firm on crime and criminals. To improve the governance and the quality of life of all Belizeans this truth must be diligently inculcated into the professional behaviour of the Police. Unless this is done, there will continue to be genuine reason to be concerned about police abuse of authority. Such abuse is unacceptable in a democratic society.

In a democracy the authority of the police is largely a moral authority. It has to be, because democracy is only possible when the people agree by social contract to abide by the rules and canons of civilized behaviour, submitting to rules and regulations agreed upon by the majority that are for the common good. It is only by holding determinedly to this view that the concept of law enforcement in a democracy is realizable, for there is very little chance that a few hundred men could contain the outbursts of an overwhelming majority, without their consent. Only a moral outlook that guides the behaviour of that majority makes compliance and obedience to government possible.

One corollary to this principle is that the enforcers of the law must themselves be exemplars of the respect for the moral authority of the law. It is partly to reinforce this idea that all civilized societies have separated the function of

punishing crime from that of apprehending the criminals. The wisdom of the ages has taught us that it is too easy for abuse to take place, when the different functions of securing justice are concentrated in only one set of hands. This is why in Belize the responsibility of apprehending criminals is that of the police; while the courts are charged with the verdict to punish. Are we allowing these two distinct roles to become blurred and fused into one? At times it might seem so!

III. The records of the Ombudsman shows that the resolution of complaints against the Police Department was consistently at the top of the list or near the top. In the 1999-2000 Annual Report, 25 cases were unresolved. The highest number was 74, as reported in the 2002-03 Report.

There was a dramatic change as recorded in the 2003-2004 Report when one hundred and one (101) cases were resolved and only thirteen (13) were left open. This significant change was the result of greater cooperation between the Police Disciplinary Unit, the Human Rights Commission of Belize and the Ombudsman, who in 2003 formed a Tri-Partite Council (Appendix attached pp. 32-37 Annual Report 2005-2006). In the last report the Ombudsman received 101 complaints against the Police and only 5 were left open.

IV. In 1999 when I became Ombudsman of Belize, one of the major road blocks that had to be removed was resistance by the public bureaucracy, especially the Police, who perceived that the Ombudsman would be the defender of the complainant even if he or she were dead wrong. This perception was common in the ranks of the Police who were reluctant to cooperate because they thought we were anti-police, anti-law and order. They thought that to be pro-human rights meant always in all circumstances defending the down trodden and the lawless.

In his 2005-2006 Annual Report the Ombudsman has clearly and succinctly dispelled the above misconceptions about his work as protector and promoter of human rights. His position is clearly expressed in outline form from pages 10-13 of the Annual Report (2005-2006). While the pages are attached as an appendix, I believe this statement might deserve special attention:-

**“The correct understanding of human rights is of a movement, a way of life, that promotes the good of the individual within the context of the common good.”**

**Signed:**

**Paul Rodriguez  
(Ombudsman)**

## ❖ **Attended Conferences**

The most important conferences attended during this reporting were:

- Bridgetown, Barbados, 14<sup>th</sup> – 19<sup>th</sup> May.

The Ombudsman of Belize was elected President of the Caribbean Ombudsman Association.

- Belize City, Belize, 8<sup>th</sup> – 11<sup>th</sup> March, 2006. Conference of Ombudsmen of Central American hosted by the Ombudsman of Belize and the Inter American Institute of Human Rights at the Princess Hotel. During this conference the Prime Minister of Belize, the Rt. Hon. Said Musa, addressed the Central American Ombudsmen on the role of the Ombudsman of Belize.

The Ombudsman of Guatemala, Dr. Sergio Morales was elected President of the Central American Conference of Ombudsmen.

- Panama City 21<sup>st</sup> – 24<sup>th</sup> March. The Ombudsman of Belize attended and reported on Belize's privatization of the Prison System, which seems to be yielding good results with an organized program for rehabilitation of inmates. This brief report was given in the context of a discussion on the humane treatment of prisoners.

## ❖ **Shifting Focus – From Students to Teachers**

In furthering the goal of promoting human rights the Ombudsman attended the National Catholic Teachers' Convention held in February, 2006, in Corozal Town and delivered in two workshops a lecture reproduced here in outline form:-

I. Introduction: Giving addresses or lectures on human rights.

- Human Rights is a way of life
- Observing human rights is a life style

- Human Rights is a culture to be lived.

II. Therefore unless you understand what it means to be a human being you truly do not understand what human rights are.

- Your awareness of yourself tells you who and what you are
  - hunger and thirst
  - procreative drive
  - drive to preserve & protect life
  - self image

- There is a self awareness that concerns yourself as you. In other words, you are an individual.

- There is a self awareness that concerns yourself as wanting to be related and be in relationship with others.

III. Definition:                   A HUMAN BEING IS AN INDIVIDUAL  
  THAT SEEKS TO BE RELATED TO OTHERS.

IV. The others that you seek to be related to are like you, pretty much the same.

- They seek their own good as individuals.
- They seek to satisfy their own basic needs as you do.
- They seek to satisfy their desires as you do.

V. What would happen if we all concentrated on satisfying only our own basic needs and our own desires, excluding all consideration for others.

- Families would disintegrate
- All other social groupings would fall apart
- Villages, towns, cities would break up.

- All communal living would cease to be possible.
  - Civilization would break up and cease.
- VI. Truth is it takes many of us working for ourselves BUT ALSO FOR THE COMMON GOOD to build families, clans, villages, towns, cities and countries – civilization.
- VII. Human Rights can be properly understood only within this context – the context of the common good.
- Rights concern and attend to the good of individuals.
  - Rights also concern and attend to the good of others.
  - Therefore there is no right without duties and responsibilities to others.

In this regard the Constitution of Belize on page 5 says: **“the provision of this Chapter 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.”**

Conclusion: The correct understanding of human rights is of a movement, a way of life, that promotes the good of the individual within the context of the common good.

These consequences are obvious: -

1. One cannot use human rights as a shield to protect and foster criminality.
2. Use human rights to foster and encourage an extreme individualism.

On the contrary the culture of human rights must engender:

1. Law & order
2. The Common Good
3. The good of the individual

The Ombudsman delivered lectures to the teachers of Queen Square Anglican School and St. Ignatius School in Belize City.

## THE POLICE

Complaints Received	Complaints Closed	Complaints Open
101	96	5

Two developments have significantly impacted the relationship between the Police and the Ombudsman:-

- In November, 2003, the Ombudsman was invited to join a committee comprising the Human Rights Commission of Belize and the Police Internal Affairs and Discipline. The purpose of the committee was to promote best police practice and the observance of all human rights in carrying out their duties.

### ESTABLISHMENT OF TRIPARTITE COUNCIL

In April, 2004, the committee became a tripartite council and adopted a code of ethics. (See Appendix 1)

### ➤ THE POLICE COMPLAINTS BOARD

In May, 2005, the Ministry of Home Affairs proposed the establishment of a Police Complaints Board to be embedded in the Office of the Ombudsman. (See Appendix 2)

The Ombudsman accepted this proposal in the same month and proceeded to name members of the Complaints Board.

The leaders of this Tripartite Council – Mr. Godsman Ellis, V.P. of the Human Rights Commission of Belize, Superintendent Robert Mariano of the Police Internal Affairs and Discipline Department, and the Ombudsman have been spending many hours visiting the different Police Formations throughout the country and in some of these visits include a public town meeting.

## Appendix (1)

### CODE OF ETHICS

Internal Affairs and Discipline, the Human Rights Commission of Belize and the Ombudsman today agree to observe the Code of Ethics as delineated below:-

Whereas all three organizations agree that the competence of their several offices is to work for the common good and the public interest, they will henceforth:-

1. refrain from public criticism of each other until after the others have been duly consulted;
2. show restraint and objectivity, even when the others may have fallen short;
3. avoid the use of emotionally charged words unless and until a fully completed investigation reveals gross wrongdoing that requires public condemnation;
4. refrain from the use of the words "Police Brutality" but instead use "alleged misconduct";
5. promote respect for the other organizations publicly and privately, and especially among its own members;
6. refer unresolved issues to the top officer of the other organizations, before seeking recourse elsewhere;
7. resolve complaints as quickly as possible, setting an outer limit of one month;
8. have frequent interchange of ideas through meetings, conferences, and training sessions;
9. always treat every member of the other organizations with the utmost respect;
10. advocate accountability and transparency in the three organizations;

11. always promote the good of Belize.

To the above ends, we hereby affix our several signatures -:

On behalf of

\_\_\_\_\_  
**Internal Affairs & Discipline**

\_\_\_\_\_  
**Human Rights Commission**

\_\_\_\_\_  
**Ombudsman of Belize**

Appendix (2)

## **LETTER FROM MINISTRY OF HOME AFFAIRS**

24<sup>th</sup> May, 2005

**Mr. Paul Rodriguez**  
**Ombudsman**  
**Corner Douglas Jones & Castle Sts.**  
**Belize City**

I have the honour to propose the establishment of a “Police Complaints Board” based on your office.

The Ministry of Home Affairs, after consultation with the Commissioner of Police and the Crime Council, wishing to maintain its zero tolerance policy of abuse of police powers, prefers that a Complaints Board exist with the full

authority of the Ombudsman Legislation and report its work to the highest level in order that justice is administered in a transparent and impartial manner.

With your permission we propose to assign to your office a senior police officer, ex-officio the head of the internal affairs branch. This office was recently upgraded to facilitate this proposal and has the services of a qualified attorney in the newly established post of police legal advisor. The final composition of the Board or additional members as necessary could be appointed at the Ombudsman's discretion.

We await your approval and are available to assist with the development of this police complaints mechanism.

**Regards,**

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**A. J. Usher**  
**Chief Executive Officer**

**Appendix (3)**

**LETTER TO MR. ALLAN USHER**

**Ref CB/AUOMB/2005**

**24<sup>th</sup> May, 2005**

**Mr. Allan Usher**  
**Chief Executive Officer**  
**Ministry of Home Affairs**  
**Curl Thompson Building**  
**Belmopan,**  
**Belize**

**Dear Mr. Usher:**

**RE: POLICE COMPLAINTS BOARD**

The matter of whether special legislation would be needed to establish a Police Complaints Board having been resolved by the opinion of the Ministry of Home Affairs Legal Counsel, Mr. Gian Ghandi, and the Ombudsman having agreed that the Ombudsman Act, chapter 5, at Section 10(1) gives him the competence to appoint officers and agents to assist him in carrying out of his duties, hereby agrees in principle to the establishment of a Police Complaints Board.

Therefore at your earliest opportunity let us meet to agree on the details.

**Respectfully,**

**Paul Rodriguez  
(Ombudsman)**

**➤ Members of Complaints Board Named so far:-**

1. Mr. Charles Mariano
2. Mr. Austin Flores
3. Mr. Hervan Morgan
4. Mr. Godsman Ellis
5. Dr. Salim Manii
6. Mrs. Maria Gamero
7. Mr. Israel Alpuche
8. Mr. Carlos Leon
9. Ms. Louise Wade

However, so far the usefulness of the Complaints Board has been minimal. Much more organizational work has to be done so that all the members of the Board be regular contributors to the monitoring work it was created to do. Terms of reference have to be worked out and meaningful processes have to be established.

- **It is to be noted that while the above initiatives have been in the process of being organized the Ombudsman and Internal Affairs and Discipline of the Police have cooperated in making a significant contribution to improving the services of the Police through their monitoring efforts.**

### ➤ **COMPLAINTS AGAINST THE POLICE**

- **Types of Complaints: The Ombudsman uses Seven (7) Classifications. The complaints fell under categories 1, 5, 6, 7.**
- **There were 23 complaints classified as 7. This means that the complaints were received, investigated and not upheld and supported by the Ombudsman. Below are noteworthy cases:-**