



Belize's Compliance with the Convention on the Elimination of All Forms of Discrimination against Women

Suggested List of Issues Prior to Reporting Relating to the Death Penalty

Submitted by

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and

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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The Cornell Center on the Death Penalty Worldwide is a US-based research, advocacy, and training center focused on capital punishment and international law. It publishes reports and manuals on death penalty issues, provides transparent data on death penalty laws and practices around the world, trains capital lawyers in best practices, and engages in targeted advocacy and litigation. Its staff and faculty advisors have collectively spent more than eight decades representing hundreds of prisoners facing the death penalty. In 2019 it was awarded the World Justice Challenge Award in recognition for its work on behalf of death-sentenced prisoners in Malawi.

The World Coalition Against the Death Penalty is a volunteer-based non-government organization committed to strengthen the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

EXECUTIVE SUMMARY

1. This report identifies questions the Committee on the Elimination of Discrimination Against Women should pose to the government of Belize in its List of Issues, particularly with respect to the death penalty.
2. Belize carried out its last execution in 1985 and maintains a de facto moratorium on executions.¹ Belize's last death sentence was handed down in 2005, and by 2020, there were no longer any individuals on death row.² Belize, however, is one of only two countries in Central and South America that has yet to abolish the death penalty.³ A 2017 amendment⁴ to the criminal code⁵ eliminated the mandatory death penalty for murder and authorized the death penalty or life imprisonment for murder.⁶

Belize fails to uphold its obligations under the Convention on the Elimination of All Forms of Discrimination against Women

3. Belize has cited popular support for the death penalty as justification for its failure to abolish the practice.⁷ In 2018, both the Human Rights Committee and several UN Member States expressed concern over Belize's continued unwillingness to abolish the death penalty.⁸ Belize has also consistently voted against the General Assembly resolution calling for a moratorium on the death penalty.
4. In its 2007 Concluding Observations, the Committee expressed its regret over Belize's failure to provide sex-disaggregated data.⁹ This extends to data regarding women in conflict with the law, including women at risk of being sentenced to death and women whose sentences are potentially impacted by gender biases in the court system.

¹ Cornell Center on the Death Penalty Worldwide, *Belize*, <https://deathpenaltyworldwide.org/database/#/results/country?id=9>.

² Cornell Center on the Death Penalty Worldwide, *Belize*, <https://deathpenaltyworldwide.org/database/#/results/country?id=9>.

³ Roger Hood and Florence Seemungal, *Sentenced to Death Without Execution*, The Death Penalty Project (2020), 38. Available online at: https://worldcoalition.org/wp-content/uploads/2022/04/2809872v1_wsdocs_-sentencing-to-death-without-execution-2020.pdf.

⁴ Criminal Code (Amendment) Act, 22 §2, (2017). Available at <http://www.nationalassembly.gov.bz/wp-content/uploads/2017/04/Act-No.-22-of-2017-Criminal-Code-Amendment-Act-2017.pdf>.

⁵ CRIMINAL CODE art. 106 (Belize). Available at https://procurement-notices.undp.org/view_file.cfm?doc_id=84382.

⁶ Cornell Center on the Death Penalty Worldwide, *Belize*, <https://deathpenaltyworldwide.org/database/#/results/country?id=9>.

⁷ Human Rights Committee, *Concluding observations on the initial report of Belize* (Dec. 11, 2018), U.N. Doc. CCPR/C/BLZ/CO/1/Add.1.

⁸ Human Rights Committee, *Concluding observations on the initial report of Belize* (Dec. 11, 2018), U.N. Doc. CCPR/C/BLZ/CO/1/Add.1; Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Belize* (Dec. 18, 2018), U.N. Doc. A/HRC/40/14 (citing Ireland's recommendation that Belize ratify the Second Optional Protocol to the ICCPR aimed at abolition of the death penalty).

⁹ Committee on the Elimination of All Forms of Discrimination against Women, *Concluding comments of the Committee on the Elimination of Discrimination against Women: Belize* (Aug. 10, 2007), U.N. Doc. CEDAW/C/BLZ/CO/4, ¶ 2.

I. Contrary to international norms, Belize still imposes the death penalty, and is at risk of resuming executions.

5. Belize has taken no meaningful steps toward abolishing the death penalty. Moreover, in recent years, both government officials and the general public have expressed their support for ending the de facto moratorium on capital punishment.
6. In 2012, the kidnapping and murder of a 13-year-old girl in the Cayo district prompted public calls to resume the death penalty.¹⁰ During Belize's 2013 Universal Periodic Review, the United Kingdom called on Belize to conduct a public consultation on abolishing the death penalty.¹¹ In response, former Prime Minister Barrow stated that he "absolutely and completely disagree[d]" with UN Member States' condemnation of the death penalty.¹² He asserted that the death penalty "would serve as a deterrent" for criminal offenders if Belize could resume its use.¹³
7. In defense of Belize's vote against the General Assembly resolution in 2012, Prime Minister Barrow reiterated that Belize "do[es] not agree . . . that capital punishment is a bad thing."¹⁴ Such rhetoric creates a danger that Belize will return to death sentences and executions. Without adequate safeguards in place, gender-based discrimination will place women at risk of being arbitrarily sentenced to death.

II. Detention conditions have a disproportionately negative impact on women.

8. In its 2018 Concluding Observations, the Human Rights Committee reported that Belize Central Prison, the only correctional facility in Belize, was not in conformity with the Nelson Mandela rules and that detained individuals experienced poor sanitation, lack of medical care, overcrowding, inter-prisoner violence, and lack of ventilation.¹⁵
9. Reports from 2016 indicated that while men in Belize's Central Prison were given their own cells, women were forced to share a cell.¹⁶ Overcrowding combined with lack of access to proper medical care, ventilation, and other necessary resources contribute to compounding inequalities and human rights violations for women behind bars in Belize.

¹⁰ *Bert Vasquez faces trial for murder of Jasmine Lowe*, Amandala (Mar. 14, 2014), <https://amandala.com.bz/news/bert-vasquez-faces-trial-murder-jasmine-lowe/>; *Death penalty will stay on our books!*, Amandala (Nov. 29, 2013), <https://amandala.com.bz/news/death-penalty-stay-books/>.

¹¹ *Death penalty will stay on our books!*, Amandala (Nov. 29, 2013), <https://amandala.com.bz/news/death-penalty-stay-books/>.

¹² *Death penalty will stay on our books!*, Amandala (Nov. 29, 2013), <https://amandala.com.bz/news/death-penalty-stay-books/>.

¹³ *Death penalty will stay on our books!*, Amandala (Nov. 29, 2013), <https://amandala.com.bz/news/death-penalty-stay-books/>.

¹⁴ *Death penalty will stay on our books!*, Amandala (Nov. 29, 2013), <https://amandala.com.bz/news/death-penalty-stay-books/>.

¹⁵ Human Rights Committee, Concluding observations on the initial report of Belize (Dec. 11, 2018), U.N. Doc. CCPR/C/BLZ/CO/1/Add.1, ¶ 30.

¹⁶ *A female's life behind bars*, Amandala (Feb. 13, 2016), <https://amandala.com.bz/news/females-life-bars/>.

III. Domestic violence continues to be prevalent in Belize, and women in conflict with the law are more likely to experience sentencing outcomes informed by gender biases.

10. In 2014, a court in Belize declined to apply the death penalty to Lavern Longsworth after finding that she killed her husband after he had physically and sexually abused her for years.¹⁷ This decision set a legal precedent that has been applied to other cases involving women who have committed crimes arising out of a context of domestic violence and other forms of gender-based violence.¹⁸
11. Although authorities have made progress in conducting gender-sensitive criminal proceedings, Freedom House has reported that “domestic violence [in Belize] remains a serious problem despite government measures to combat it.”¹⁹ In addition, the crime of rape in Belize often goes unreported.²⁰ Conviction rates for sexual assault are low and sentences are often light.²¹ This information suggests that the judiciary, prosecutors, and law enforcement have failed to adequately prioritize gender-based violence and holding perpetrators of gender-based violence accountable.
12. In a 2018 study, the Cornell Center on the Death Penalty Worldwide found that, in the global context, women are more vulnerable and most likely to be sentenced to death for criminal offenses committed within the context of gender-based violence²² and manipulative or coercive relationships with male co-defendants.²³ Cornell’s data indicate that most women under sentence of death have been sentenced to death for the crime of murder, which remains a death-eligible offense in Belize.²⁴ These women have overwhelmingly experienced prolonged domestic violence at the hands of a partner, spouse, or another family member.²⁵ In many cases, abuse has occurred repeatedly. Many

¹⁷ Lavern Longsworth, The Death Penalty Project, <https://deathpenaltyproject.org/story/lavernlongsworth/>.

¹⁸ Lavern Longsworth, The Death Penalty Project, <https://deathpenaltyproject.org/story/lavernlongsworth/>.

¹⁹ Freedom House, *Freedom in the World 2021: Belize*, <https://freedomhouse.org/country/belize/freedom-world/2021>.

²⁰ Freedom House, *Freedom in the World 2021: Belize*, <https://freedomhouse.org/country/belize/freedom-world/2021>.

²¹ Freedom House, *Freedom in the World 2021: Belize*, <https://freedomhouse.org/country/belize/freedom-world/2021>.

²² Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018). Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

²³ Cornell Center on the Death Penalty Worldwide, “No One Believed Me”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 6, 2021), 6. Available online at <https://deathpenaltyworldwide.org/wp-content/uploads/2021/10/No-One-Believed-Me-A-Global-Overview-of-Women-Facing-the-Death-Penalty-for-Drug-Offenses.pdf>.

²⁴ Cornell Center on the Death Penalty Worldwide, “No One Believed Me”: *A Global Overview of Women Facing the Death Penalty for Drug Offenses* (Sept. 6, 2021), 11. Available online at <https://deathpenaltyworldwide.org/wp-content/uploads/2021/10/No-One-Believed-Me-A-Global-Overview-of-Women-Facing-the-Death-Penalty-for-Drug-Offenses.pdf>.

²⁵ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 4. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

women under sentence of death are survivors of gender-based violence and come from disadvantaged socio-economic backgrounds.²⁶

13. Belize is to be commended for the 2014 case recognizing a defendant's experience with prolonged domestic violence in determining an appropriate punishment for the killing of her abuser. At a global level, sentencing courts typically fail to take into account a defendant's experience as a survivor of gender-based violence or a victim of a manipulative or coercive relationship (for example in cases where women are pressured or tricked into transporting drugs) as mitigating factors during sentencing.²⁷ Research also indicates that courts also fail to account for power dynamics and tactics of coercive control that may affect a woman's involvement in and culpability for a crime.
14. Cases documented by the Cornell Center on the Death Penalty Worldwide have shown violations of women's right to a fair trial. A 2021 follow-up study demonstrated that "fair trial principles dictate that courts should consider all relevant mitigating circumstances before imposing a sentence. In practice, however, many courts neglect gender-specific mitigation."²⁸
15. Globally, women are also more likely to receive a death sentence when they are perceived to have violated entrenched gender norms and women are often put on trial not only for acts they performed but also for allegedly being "a bad wife, a bad mother, and a bad woman." Recent calls to reinstate the death penalty put women in a precarious position. Although Belize exempts pregnant women from the death penalty, they can face life in prison with hard labor as a substitute sentence.²⁹ This harsh penalty sheds light on entrenched gender norms and negative perceptions of women who are charged with serious offenses in Belize.
16. Global trends show that women sentenced to death face intersectional discrimination. According to Cornell's 2018 report, most women on death row come from backgrounds of severe socio-economic deprivation and many are illiterate, which can reinforce unequal access to effective legal representation.³⁰ These women are more likely to be illiterate and unaware of their legal rights.³¹ Illiteracy and lack of education among poor

²⁶ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 4. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

²⁷ Cornell Center on the Death Penalty Worldwide, "No One Believed Me": A Global Overview of Women Facing the Death Penalty for Drug Offenses (Sept. 6, 2021). Available online at <https://deathpenaltyworldwide.org/publication/no-one-believed-me-a-global-overview-of-women-facing-the-death-penalty-for-drug-offenses/>.

²⁸ Cornell Center on the Death Penalty Worldwide, "No One Believed Me": A Global Overview of Women Facing the Death Penalty for Drug Offenses (Sept. 6, 2021). Available online at <https://deathpenaltyworldwide.org/publication/no-one-believed-me-a-global-overview-of-women-facing-the-death-penalty-for-drug-offenses/>.

²⁹ *Belize*, Hands off Cain, http://www.handsoffcain.info/bancadati.php?id_cont=24&id_state=60000184/.

³⁰ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 3. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

³¹ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 18. Available online at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

women leave them more vulnerable to discrimination, coercion, and exploitation.³² This intersectional discrimination exacerbates the risk that a woman charged with a capital crime will be subjected to an unfair trial.

IV. Suggested Questions for the Government of Belize:

- What steps has Belize taken to abolish the death penalty and replace it with a penalty that is fair, proportionate, and consistent with international human rights standards?
- What efforts are underway to ensure that, consistent with international human rights standards, no person is sentenced to death except for in a case in which the person intended to kill and did in fact kill?
- Please provide comprehensive data about the number of women detained in Belize Central Prison, disaggregated by age, race, nationality, crime of conviction, date of conviction, relationship to the victim of the crime (if any), relationship to any codefendants, number and age of minor children (if any), and status of any appeals or petitions for clemency.
- To what extent do detention conditions of women in prison differ from the conditions of detained men?
- What policies and procedures are in place to ensure that any woman charged with a capital offense has access to qualified legal counsel with prior experience in such cases, and to ensure that their legal counsel has adequate resources to conduct investigations and hire experts to mount an effective defense?
- What training is available to defense counsel representing women regarding gender-specific defenses and mitigation, encompassing trauma, gender-based violence, economic pressures, and family caretaking responsibilities?
- What training is available to judges and other judicial officers presiding over criminal proceedings, particularly in capital cases, to educate them about the importance of considering gender-specific defenses and gender-specific mitigation, including trauma, gender-based violence, economic pressures, and family caretaking responsibilities? What training is available to them regarding gender-based discrimination, domestic violence, gender-based violence, and tactics of coercive control?
- What training does the Government provide to defense counsel who take on capital cases regarding gender-specific mitigation and how to raise discrimination against clients on the basis of their gender, when appropriate?
- What steps, if any, has the State Party taken to codify gender-specific defenses and mitigation, encompassing women's experiences of trauma, poverty, and gender-based violence?

³² Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime: A Global Overview of Women Facing the Death Penalty* (Sept. 4, 2018), 18. Available at <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

- What measures has the government implemented to ensure that all judicial officers responsible for sentencing receive comprehensive training on gender-based discrimination, domestic violence, and tactics of coercive control that may influence or prompt a woman to commit a death-eligible offense?
- Please describe the safeguards in place to ensure the safety, privacy, and health of women who are in detention, including access to adequate toilets and sanitation and feminine hygiene products. How has prison infrastructure design accommodated women's specific needs, including their need for privacy?
- How do authorities ensure that all detention facilities fully comply with Rule 5 of the Bangkok Rules and Rule 15 of the Nelson Mandela Rules, regarding personal hygiene?
- What measures has the State Party implemented to ensure that all prison authorities adopt gender-sensitive policies in relation to women's detention, based on the Bangkok Rules and the Nelson Mandela Rules, ensuring women's safety and security pre-trial, during admission to any detention facility, and while incarcerated?
- Do civil society organizations have the opportunity to conduct unannounced, independent visits to all detention facilities where women are held to monitor conditions of detention, including whether facilities comply with the Bangkok Rules and the Nelson Mandela Rules regarding hygiene and sanitation?
- What efforts has the State Party undertaken to engage civil society in discussions around abolition of the death penalty and alternatives to the death penalty?
- How does the State Party publish and promulgate information about its use of the death penalty?
- Please describe any measures taken to eliminate intersecting forms of discrimination in the criminal legal system against women with disabilities, migrant and refugee women, undocumented women, women from disadvantaged socio-economic backgrounds, and women belonging to minority groups.