



Greater Caribbean for Life
committed to the abolition of the death penalty



Belize's Compliance with Committee on Elimination of Discrimination Against Women: The Death Penalty

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

Greater Caribbean for Life

and

The World Coalition Against the Death Penalty

for the 90th Session of the Committee on the Elimination of All Forms of Discrimination against
Women

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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 since its founding 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 publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. 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 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.

The Greater Caribbean for Life (GCL) is an independent, not-for-profit civil society organization that was established in Port of Spain, Trinidad on October 2, 2013 to unite Caribbean abolitionist organizations and individuals. The region comprises 25 countries, including 13 Caribbean islands, the Caribbean states of South America (Columbia, Venezuela, and the

Guyanas), the countries of Central America and Mexico, in addition to Puerto Rico, and the US, British, Dutch and French Caribbean territories. In the struggle against the death penalty, GCL reflects the greatest respect to the right to life. GCL has members in 16 Caribbean States and territories. This initiative began on October 19, 2011, when a group of organizations and individuals from countries of the Greater Caribbean opposed to the application of capital punishment, participated in an International Conference in Madrid on the Death Penalty in the Greater Caribbean. The Conference was organized by the Community of Sant'Edigio. GCL was constituted with the purpose of campaigning for and working towards the permanent abolition of the death penalty in the Greater Caribbean; supporting Caribbean abolitionist activists and organizations in this region; and collaborating with the international abolitionist community.

EXECUTIVE SUMMARY

1. This report acknowledges as a good practice Belize’s judicial recognition of domestic violence as a mitigating factor in cases eligible for the death penalty. It also highlights, however, concerns about possible inconsistent application of this precedent; it is unclear whether courts are consistently applying this factor of mitigating circumstances. This report urges Belize to abolish the death penalty and maintain its obligations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) as they pertain to women in conflict with the law, in particular by codifying as a potential mitigating factor the defendant’s history as a survivor of gender-based violence in all cases, and by promulgating that mitigating factor throughout the judiciary through training in collaboration with civil society organizations..

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

I. Access to Justice and Gender Bias in Sentencing (List of Issues paragraph 3).

2. Belize is one of only two countries in Central and South America that has yet to abolish the death penalty. Belize has maintained a de facto moratorium on executions since 1985, courts have not issued death sentences since 2005,¹ and death row is presently empty,² but the threat of resuming capital punishment remains so long as the law remains on the statute books.
3. In its 2024 List of Issues, the Committee on Elimination of Discrimination against Women requested information on the training and awareness-raising programs that are put in place to ensure that court systems apply a gender-sensitive approach as they engage with survivors of gender-based violence and other vulnerable individuals.³ The Committee also asked whether authorities have put in place any measures to address the difficulty women face in accessing legal services and aid.⁴
4. In its 2023 State Party Report, Belize indicated that it had taken notable steps to create a gender-responsive court system. The report explained that the Judicial Reform and Institutional Strengthening (JURIST) Project, launched in 2017 with support from the Government of Canada, aimed to improve court governance, social inclusion, and gender equity in justice administration.⁵ In 2018, Belize approved a *Gender Equality Protocol for Judicial Officers*, providing guidance on applying a gender lens in cases involving child custody, domestic violence, sexual violence, and human trafficking. Authorities provided training on these tools to judicial officers to enhance their use in the courtroom.⁶

¹ The Advocates for Human Rights and the World Coalition Against the Death Penalty, *Belize: Stakeholder Report for the United Nations Universal Periodic Review: The Death Penalty*, 18 July 2023, ¶ 2, <https://www.theadvocatesforhumanrights.org/Res/AHR%20Belize%20UPR%20Death%20Penalty%20Final%202022.pdf>.

² *Ibid.*

³ Committee on the Elimination of Discrimination against Women, *List of issues and questions in relation to the combined fifth and sixth periodic reports of Belize*, (Mar. 5, 2024), CEDAW/C/BLZ/Q/5-6, ¶ 3.

⁴ *Id.* ¶ 2.

⁵ Committee on the Elimination of Discrimination against Women, *Combined fifth and ninth periodic reports submitted by Belize under article 18 of the Convention, due in 2011*, (Nov. 13, 2024), CEDAW/C/BLZ/5-6, ¶ 62.

⁶ *Id.* ¶ 63.

5. The report further noted that the government supports the Legal Aid and Services Centre under the Attorney General Ministry, and highlighted the fact that non-governmental organizations, international agencies, and the Bar Association have collaborated with the Centre on issues related to gender-based violence.⁷
6. Belize’s judiciary has been at the forefront of considering a woman’s prolonged experience with gender-based violence when she comes into conflict with the law for killing her abuser. In 2014, the Court of Appeal in *Longsworth v. Queen* held that the defendant’s conditions of post-traumatic stress disorder (PTSD) and “battered women’s syndrome” “gave rise to a defence of diminished responsibility” warranting a diminished conviction from murder to manslaughter and a sentence reduced from life imprisonment to eight years’ imprisonment.⁸
7. In 2015 in *Pook v. Queen*, the Court of Appeal quashed a murder conviction based on a similar set of facts and on remand the prosecution re-indicted the defendant for manslaughter. After the defendant pleaded guilty, the lower court applied *Longsworth* to reduce her sentence from life to eight years’ imprisonment.⁹
8. Beyond *Pook*, however, it is not clear whether or to what extent courts apply *Longsworth* when women come into conflict with the law for killing their abusers.
9. Gender-based violence continues to be a widespread issue in Belize. According to the Belize Crime Observatory, a unit of the Belize Police Department (BPD), women accounted for 86 percent of the gender-based violence cases reported to the BPD by the end of August 2023, with 54 percent of these incidents involving intimate partners.¹⁰ Freedom House has reported that “domestic violence [in Belize] remains a serious problem despite government measures to combat it.”¹¹ Notably, the State Party Report acknowledged that “[t]his violence is endemic, systemic socially and culturally tolerated in the Belizean community. Between the period 2017 to 2021 a total of 69 women were murdered in Belize. During that same period 11,461 cases of Domestic Violence were reported.”¹²
10. 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

⁷ *Id.* ¶ 67.

⁸ *Lavern Longsworth v. The Queen*, Court of Appeal of Belize, Crim. App. No. 21 of 2012 (Nov. 7, 2014), ¶¶ 68, 85 (Hafiz-Bertram, J.A.); The Death Penalty Project, “Lavern Longsworth”, accessed Dec. 16, 2024, <https://deathpenaltyproject.org/story/lavernlongsworth/>; Cornell Center on the Death Penalty Worldwide, *Judged for More than Her Crime* (Sept. 4, 2018), 12, accessed Dec. 16, 2024, <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

⁹ *Court Accepts Abused Woman Suffered From Battered Woman Syndrome*, Death Penalty Project, Dec. 4, 2015, <https://deathpenaltyproject.org/court-accepts-abused-woman-suffered-from-battered-woman-syndrome/>. Aaron Humes, *Court sentences battered woman turned killer to eight years*, Breaking Belize News, Oct. 29, 2015, <https://www.breakingbelizenews.com/2015/10/29/court-sentences-battered-woman-turned-killer-years/>.

¹⁰ U.S. Department of State, *Belize 2023 Human Rights Report*, (2023), 19, <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/belize/>.

¹¹ Freedom House, *Freedom in the World 2021: Belize*, <https://freedomhouse.org/country/belize/freedom-world/2021>.

¹² Committee on the Elimination of Discrimination against Women, *Combined fifth and ninth periodic reports submitted by Belize under article 18 of the Convention, due in 2011*, (Nov. 13, 2024), CEDAW/C/BLZ/5-6, ¶ 62.

¹² *Id.* ¶ 22.

offenses committed within the context of gender-based violence¹³ and manipulative or coercive relationships with male co-defendants.¹⁴ 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.¹⁵ These women have overwhelmingly experienced prolonged domestic violence at the hands of a partner, spouse, or another family member.¹⁶

11. Legal representation in Belize is prohibitively high, significantly hindering access to justice, particularly for marginalized or disadvantaged individuals.¹⁷ According to Cornell's 2018 report, the majority of women on death row come from severely disadvantaged socio-economic backgrounds, with many being illiterate.¹⁸ This situation often leads to unequal access to effective legal representation.¹⁹ These women are frequently unaware of their legal rights due to their lack of education and literacy, which increases their vulnerability to discrimination, coercion, and exploitation.²⁰ Such intersectional discrimination heightens the likelihood that a woman charged with a capital offense will endure an unfair trial.
12. In 2023, Belize signed on to the Needham's Point Declaration on Criminal Justice Reform.²¹ It has been taking steps toward operationalizing the specific requirements under the declaration. Article 20 and 21 of the declaration require member states to expand and appropriately resource legal aid schemes and establish Public Defender's Offices. Article 28 calls on signatories to consider gender and gender identity (among other factors) in addressing stereotypes in the criminal justice system. Belize's judiciary has since appointed nine

¹³ 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), 15, accessed Dec. 16, 2024, <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

¹⁴ 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, accessed Dec. 16, 2024, <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>.

¹⁵ 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, accessed Dec. 16, 2024, <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>.

¹⁶ 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, accessed Dec. 16, 2024, <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

¹⁷ Omar Silva, "Access to Legal Aid is a Fundamental right for All in Belize", National Perspective Belize, April 19, 2023, <https://www.nationalperspectivebz.com/editorial/2023-04-19/access-legal-aid-fundamental-right-all-belize>.

¹⁸ 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>.

¹⁹ 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. accessed Dec. 16, 2024, <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

²⁰ 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, accessed Dec. 16, 2024, <https://www.deathpenaltyworldwide.org/wp-content/uploads/2019/12/Judged-More-Than-Her-Crime.pdf>.

²¹ Needham's Point Declaration on Criminal Justice Reform: Achieving a Modern Criminal Justice System, 20 Oct. 2023, <https://ccj.org/wp-content/uploads/2023/10/NEEDHAMS-POINT-DECLARATION.pdf>.

committees to review the existing criminal justice system with a means to make recommendations to operationalize the declaration and revise the Criminal Procedure Rules.²²

13. Although Belize amended its Criminal Code to eliminate the mandatory death penalty for murder, it has not taken steps to abolish the death penalty as it still allows for discretionary sentencing in such cases.² Women therefore remain at risk of being sentenced to death for killing their abusers, particularly if sentencing authorities are not familiar with *Longsworth* and defense counsel does not bring the precedent to the court's attention.

II. Suggested recommendations for the Government of Belize

10. The coauthors recommend that the Committee make the following recommendations to the Government of Belize:

- Abolish the death penalty and replace it with penalties that are fair, proportionate, and consistent with international human rights standards.
- In collaboration with civil society, codify the 2014 *Longsworth* decision.
- Update the *Gender Equality Protocol for Judicial Officers* to ensure that all sentencing authorities are familiar with the *Longsworth* decision and its implications for women in conflict with the law for killing their abusers.
- In collaboration with the Legal Aid and Services Centre, ensure that attorneys representing women in conflict with the law for killing their abusers have adequate training and financial resources to gather expert testimony and raise *Longsworth* claims as relevant.
- Ensure appropriate support for implementation of any relevant recommendations pertaining to legal aid, public defender's offices, and stereotypes and discrimination based on gender and gender identity resulting from the work of the committees established to operationalize implementation of Belize's obligations under the Needham's Point Declaration.
- On an annual basis, publish information regarding all women charged with murder or manslaughter, disaggregated by relationship to the victim and any codefendants, age, occupation at the time of arrest, age of any dependent children, whether defense counsel raised any *Longsworth* claims, whether such claims were supported by expert testimony, whether such claims were successful, and the ultimate outcome of the criminal proceedings.

²² *The Judiciary of Belize operationalizes the Caribbean Court of Justice's Academy for Law Needham's Point Declaration*, Caribbean Court of Justice Academy for Law, May 17, 2024, <https://ccjacademy.org/the-judiciary-of-belize-operationalizes-the-caribbean-court-of-justices-academy-for-law-needhams-point-declaration/>.