

Proposed Change to PROTECTION OF LAW SECTION of the Constitution

The government NOW wants to take away our right to have a trial in front of our peers (people from our communities who may have similar backgrounds to us) and have trials for murder and attempted murder be in front of a judge alone. Other types of trials could be without jury also if the judge allows.

The government is also proposing to take away our right to know who is accusing us of a crime, the right to confront our accuser.

SECTION 7- Protection from Torture, inhuman or degrading punishment or treatment

- *The Constitution says that NO one shall be subjected to torture, inhuman or degrading punishment or treatment.*

THERE ARE NO EXCEPTIONS TO THIS PART OF THE CONSTITUTION. THERE IS NO LIMIT TO OUR RIGHT NOT TO BE TORTURED. IT IS AN ABSOLUTE RIGHT.

PROPOSED CHANGE TO SECTION 7

- *The government NOW says that it is not torture or inhuman or degrading to keep a person in poor prison conditions or read a death warrant more than once or have an extended delay in carrying out a death sentence*

even though the courts have said otherwise.

- *The highest court for Belize said all of these things should not be allowed because it is degrading and inhuman treatment.*

Section 8-Protection from slavery and forced labour

The Constitution says that no one should be held in slavery or required to perform forced labour. There are exceptions to this, for example, if you are in prison or there is an emergency and the government needs your help.

PROPOSED CHANGE to Section 8

- The government wants to include as an exception to this part of the Constitution:
- Any community service required of a person of or above age 16 who is held under the PREVENTATIVE DETENTION law as part of the training of such person for gainful employment or other productive activities.

HOW DO WE FIGHT CRIME IN OUR COMMUNITIES?

- *The government made these proposed changes to our Constitution on the 13th of May in the National Assembly.*
- *We are all affected by crime. Let's speak up and say what we believe will help fight crime in our communities.*

THE BELIZE CONSTITUTION

“THE BELIZE CONSTITUTION IS THE SUPREME LAW OF OUR COUNTRY!”



IF OTHER LAWS DISAGREE WITH THE BELIZE CONSTITUTION, THE OTHER LAW IS VOID. WE MUST KNOW AND PROTECT OUR SUPREME LAW.

CHANGES TO THE CONSTITUTION

- *The Government is proposing to change our Constitution in an effort to fight crime.*
- *Will these changes reduce crime or reduce your rights?*
- *Will they increase conviction rate?*

PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS

- *Chapter 2 of the Belize Constitution protects our fundamental rights and freedoms. These rights apply to everyone in Belize whether citizen or not.*
- *The rights and freedoms include the right to life, liberty, freedom of expression, religion, movement, assembly and association and the right to work.*

LIMITS ON OUR RIGHTS AND FREEDOMS

Our rights and freedoms have reasonable limits

Example: your freedom of movement cannot trespass on private property and claim it is your right to movement.

Our rights and freedoms are limited by the rights and freedoms of others.

We all also have responsibilities to know our rights and protect them.

SECTION 5-LIBERTY

This part of the Constitution says that we each have liberty and we should only be deprived of our liberty under certain circumstances.

For example, if you commit a crime or are suspected of committing a crime your liberty may be taken away and you put in prison. Or if you have a contagious disease that could spread and harm others, your liberty could be restricted.

Proposed Change –

PREVENTATIVE DETENTION

- (k) under a law which makes reasonable provisions in the interests of public safety, peace and good order for the preventative detention of persons who are suspected to belong to criminal gangs or to have been otherwise associated with criminal activities.

- Under a law which makes reasonable provisions for the protection of children from criminal conduct or other anti-social behavior
- ...no persons shall be detained under a detention order under a law referred to in para. (k)...for a period longer than 21 days, but the initial detention order may be extended for a further period not exceeding one month by a judge of the Supreme court in Chambers on a ex parte application made in that behalf.

PROPOSED CHANGE TO LIBERTY CONSTITUTION

- The government NOW wants to take away your liberty under something called **PREVENTATIVE DETENTION**.
- This means you could be detained (held by the police) without committing any crime and put in prison for 21 days at first. Then the authorities could detain you for a further period of one month. 'So 52 days with NO charge or court.'

RIGHTS TAKEN AWAY - Sec. 5(2)

- Informed promptly about reasons for arrest
- Communicate with attorney/parents (minor) and give instructions
- Informed of your constitutional rights

- Remedy of habeas corpus – to determine validity of detention

RIGHTS TAKEN AWAY

- Sec. 5(3)

Any person who is arrested or detained

- (a) for the purpose of bringing him before a court in execution of the order of a court; Or
- Upon reasonable suspicion of his having committed, or being about to commit, a criminal offence under any law,

And who was not released, shall be brought before a court without undue delay and in any case not later than 48 hours after such arrest and detention. (Before was 72 hrs.)

WITNESS AT TRIAL

Section 6-Protection of Law

- All persons are equal before the law and are entitled without discrimination to the equal protection of the law.
- The Constitution says that if you are arrested and charged with a crime, you shall get a fair hearing in a reasonable time in front of an independent and impartial court.
- The supreme law says, among other things, that you have a right, in person, to question the witness against you.