

BELIZE'S RESPONSE TO
QUESTIONNAIRE ON PROVISIONS SELECTED BY THE COMMITTEE OF EXPERTS
FOR ANALYSIS IN THE CONTEXT OF THE FIRST ROUND

I. BRIEF DESCRIPTION OF THE LEGAL-INSTITUTIONAL SYSTEM

Please briefly describe the legal-institutional system in your country in accordance with the constitutional order. (A maximum of 2 pages is suggested)

The legal-institutional system in Belize was born out of the British Colonial experience. The legal system is essentially English in character. For example, section 2 of the Imperial Laws (Extension) Act, Chapter 2 of the Substantive Laws of Belize, Revised Edition 2000 – 2003 provides that

2(1) Subject to the provision of this or any other Act, the common law of England and all Acts in abrogation or derogation or in any way declaratory of the common law passed prior to 1st January 1899, shall extend to Belize. (available at www.belizelaw.org).

In 1981 Belize became independent and adopted a new Constitution, namely, the Belize Constitution, Chapter 4 of the Substantive Laws of Belize, Revised Edition 2000 - 2003 (available at www.belizelaw.org). The Belize Constitution is the supreme law of Belize by virtue of section 2, and any other law inconsistent with it is, to the extent of the inconsistency, void. The Belize Constitution also defines the current legal – institutional order in Belize. The Parts of the Belize Constitution defining the legal – institution system are set out briefly below.

The Executive

Part IV of the Belize Constitution provides that the Head of State in Belize is Her Majesty Queen Elizabeth II, who is represented in Belize by the Governor-General of Belize. As the representative of Her Majesty in Belize, the Governor-General acts in accordance with the advice of the Cabinet or a Minister acting under the general authority of the Cabinet except when he is required by the Constitution or any other law to act in accordance with the advice of any person or authority or in his own deliberate judgment. The Prime Minister is required to keep the Governor-General fully informed concerning the general conduct of the government of Belize (Sections 30 to 35 of the Belize Constitution, available at www.belizelaw.org).

The policy functions of the executive in Belize are formulated by a Cabinet of Ministers (Section 44), which is collectively responsible to the Legislature, and which is made up of the Prime Minister (section 37), the Deputy Prime Minister (section 38), and other Ministers (section 40), who are given portfolios of responsibility by the Governor-General acting on the advice of the Prime Minister (section 41). Ministers are assisted in the performance of their functions by Ministers of State (section 45) and senior public officers called Chief Executive Officers (section 48), who are not members of Cabinet.

The Legislature

The Legislature of Belize consists of a bi-cameral parliament called “the National Assembly”, made up of a Lower House called the House of Representatives and an Upper House called the Senate. (Part VI of the Constitution). The Legislature is responsible for the enactment of all primary legislation (section 68).

The Judiciary

The Judiciary of Belize is made up of (a) the Magistrates Court, (b) the Supreme Court, (c) the Court of Appeal, and (d) the Judicial Committee of the Privy Council in London. It is hoped that sometime this year, the Privy Council will be replaced by the Caribbean Court of Justice as the final appellate court in Belize. In interpreting the law and passing judgments, the Belizean judiciary largely uses British cases and cases from other Commonwealth Caribbean States as judicial precedents (sections 94 to 104).

Independent Bodies

(1) The Director of Public Prosecutions

The Director of the Public Prosecutions is appointed under section 108 of the Belize Constitution. He can only be removed from office for cause, that is, only for inability to perform the functions of his office by reason of infirmity of body or mind, or due to misbehavior in office. The Director of Public Prosecutions is responsible for the prosecution of offences in Belize, and in performing those functions the Director of Public Prosecutions does not act under the authority of control of any person (section 50).

(II) The Auditor General

The Auditor General is appointed under section 109 of the Belize Constitution, and may only be removed from office for inability to perform the functions of his office or for misbehavior. The Auditor General is responsible for auditing the accounts of all monies from the Consolidated Revenue Fund of Belize established under section 114 of the Belize Constitution. The detailed functions of the Auditor General are found in the Finance and Audit Act, Chapter 15 of the Substantive Laws of Belize, Revised Edition 2000 – 2003 (available at www.belize.org).

(III) The Services Commissions

The public service of Belize is divided into three services, namely (a) the public service, (b) the judicial and legal service, and (c) the security service, each of which is regulated by an independent service commission, namely (a) the Public Services Commission, (b)

the Judicial and Legal Services Commission, and (d) the Security Services Commission. (Part VIII, Section 105 – 111).

(IV) The Belize Advisory Council

The Belize Advisory Council is an independent Council established under section 54 of the Belize Constitution, to advise the Governor-General on various issues, and to determine appeals by public officers.

(v) The Elections Commission

The Elections and Boundaries Commission is established as an independent Commission under section 88 of the Belize Constitution to deal with matters related to the holding and conducting of elections to political offices in Belize.

II. CONTENT OF THE QUESTIONNAIRE

CHAPTER ONE

MEASURES AND MECHANISMS REGARDING STANDARDS OF CONDUCT FOR THE CORRECT, HONORABLE, AND PROPER FULFILLMENT OF PUBLIC FUNCTIONS (ARTICLE III, 1 AND 2 OF THE CONVENTION)

1. General standards of conduct and mechanisms

- a. Are there standards of conduct in your country for the correct, honorable and adequate fulfillment of public functions? If so, briefly describe them and list and attach a copy of the related provisions and documents.

Standards of Conduct

The Belize Constitution provides a Code of Conduct which applies to the Governor-General, members of the National Assembly, members of the Services Commissions, public officers, members of statutory corporations and government agencies, and such other officers as may be prescribed by law enacted by the National Assembly. The Code of Conduct reads as follows:

- 121 All public officers shall conduct themselves in such a way as not to:-
- (a) place themselves in positions in which they have or could have a conflict of interest;
 - (b) compromise the fair exercise of their public or official functions and duties;
 - (c) use their office for private gain;
 - (d) demean their office or position;
 - (e) allow their integrity to be called into question; or
 - (f) endanger or diminish respect for, or confidence in, the integrity of the Government.

This Code of Conduct, embodied in the Belize Constitution, was enacted as Regulation 19 of the Public Services Regulation, and is available in Chapter 4 of the Constitution (available at www.belize law.org as CAP. 4S).

The Prevention of Corruption in Public Life Act, Chapter 12 of the Substantive Laws of Belize, Revised Edition 2000-2003 (available at www.belize law.org), also provides a Code of Conduct which applies to the Governor-General, members of the National Assembly, members of the Belize Advisory Council, members of the Services Commissions, members of the Elections and Boundaries Commission, public

officers, members and officers of statutory corporations and government agencies, and members and employees of all public bodies, including local authorities. The code provides, *inter alia*: (1) that the persons above shall not use their office for private gain; (2) that they shall not accept gifts or benefits of any kind on account of anything done or omitted to be done by them in the discharge of their duties; (3) restrictions on loans; (4) restrictions on the use of public funds; (5) prohibition against bribes; and (6) restrictions on acquiring companies for retired public officers.

- b. Are there mechanisms to enforce compliance with the above standards of conduct? If so, briefly describe them and list and attach a copy of the related provisions and documents.

Mechanisms

1. The Integrity Commission established by the Prevention of Corruption in Public Life Act may impose punishment for those guilty of contravening the Code of Conduct. Punishment may include severe reprimand, fines, seizure and forfeiture of property acquired in abuse or corruption of office, removal from office, other disciplinary action, and imprisonment.
2. The Contractor General is an administrative functionary whose office was established by the Contractor General Act, Chapter 6 of the Substantive Laws of Belize, Revised Edition 2000 – 2003 (available at www.belize-law.org). The Contractor General is appointed by the Governor-General acting on the recommendation of both Houses of the Legislature (Section 3). In performing his functions the Contractor General will be independent of the direction or control of any person or authority (Section 4): The office of Contractor General is equivalent to the office of a Judge of the Supreme Court (Section 10). The Functions of the Contractor General include (a) monitoring the award and the implementation of public contracts with a view to ensuring that (i) such contracts are awarded impartially, (ii) the circumstance in which each contract is awarded or terminated do not involve corruption impropriety or irregularity, (iii) the implementation of each contracts is carried out in accordance with its terms; (b) investigating cases of fraud, mismanagement, waste of abuse in respect of public contracts; (c) developing policy guidelines, evaluating programme performance and monitoring actions taken by public bodies in respect of the award, execution and termination of contracts; (d) monitoring the grant, issue, award, suspension or revocation of public licences, with a view of ensuring that there is no irregularity or impropriety. (Section 14 (1)). All public officers are required to inform the Contractor General of the award or valuation of a public contract. In performing his functions, the Contractor General has access to books of account, records, documents and stores belonging to public authorities. (Section 14(2)). The Contractor General is given the power to investigate, if he considers it necessary, the selection of

contractors or tender procedures adopted in respect of public Contracts; any allegations of fraud, mismanagement or waste in respect of public contracts and the implementation of public contracts (Section 15). The Contractor-General makes an annual Report on his work to the Legislature. (Section 29).

3. The Ombudsman is a Parliamentary Commissioner whose office is established by the Ombudsman Act, Chapter 5 of the Substantive Laws of Belize, Revised Edition 2000 – 2003. His work complements the work of the Contractor-General, and he has been a very valuable mechanism in fighting Corruption on Belize. He presents annual Reports on his work to the Legislative.
4. The Public Accounts Committee of the House of Representatives: This Committee is a Select Standing Committee of the Lower House of the Legislature established under Standing Order 72 (1) (k) of the Belize Constitution (House of Representatives) Standing Orders, Chapter 4 of the Subsidiary Laws of Belize, Revised Edition 2003 (available at www.belize.org - CAP. 4S). In terms of Standing Order 74 (1) 11, the Public Accounts Committee has the duty of considering and examining (a) the accounts showing the appropriation of the sums granted by the Legislature to meet the public expenditure of Belize; (b) other accounts referred to it by the Legislature or under any law; (c) the report of the Auditor General on any public accounts. In terms of Standing Order 74 (1:01) and (2), the Public Accounts Committee has the power, in respect of all matters assigned to it, to hold meetings on its own initiative without having the matter referred to it by the Legislature; to send for persons to appear before it as witnesses and to produce documents, accounts and record, and to call on Ministers of Government to appear before it and explain the financial state of the Ministries.
5. The Finance & Audit Act, Chapter 15 of the Substantive Laws of Belize, Revised Edition 2000 – 2003 (available at www.belize.org), sets out in detail the functions of the Auditor General. Such functions have, in the main, prevented the occurrence of corruption in Belize. Specifically, section 13 of the Finance and Audit Act provides that the Auditor General shall, on behalf of the National Assembly, audit the accounts of all public authorities and in so doing shall ascertain that (a) all reasonable precautions were taken to safeguard the collection of public moneys, (b) all public moneys disbursed were expended for the purposes for which they were disbursed, (c) all reasonable precautions were taken to safeguard the receipt, custody, issue and proper use of Government property. In terms of section 14, the Auditor General is authorized in conducting an audit, (a) to call upon any public officer for an explanation and information in respect of the receipt, custody, and disposal of Government property and funds; (b) to search for any books, records, and accounts and to make extracts therefrom for his use; (c) to seek interpretations of the law from the Attorney General where he is unclear of the legal basis of his authority in any case; (d) to report to the Minister any

detected fraud, losses or misappropriation of Government property or stores (section 15); (e) to prepare a true statements of the public accounts of Belize within six months of the close of each financial year and to lay them before each House of the Legislative through the Minister (section 16).

Another important provision in the Finance and Audit Act designed to prevent corruption by public officers is the system of surcharges, whereby corrupt public officers, or public officers who are negligent in the collection, receipt or handling of public funds or property, are required to pay into the Consolidated Revenue Fund an amount equivalent to the amount lost as a result of their negligence or corrupt practices (sections 18 and 19).

Last, the Finance and Audit Act refers to the Financial and Stores Orders, which are administrative guidelines to be used by public officers in the receipt, handling and custody of public property or funds. Such administrative guidelines have been found to be very useful in preventing corruption, since public officers know what is expected of them.

6. The Services Commission (See discussion at pages 2-3 above)

- c. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

One notable result that has been obtained in implementing the above standards and mechanisms is the case of George Meerabux v. Attorney General where a judge was charged and removed from office for using his office corruptly for private gain, allowing his integrity to be called into question, demeaning his office, and engaging in immoral and reprehensible conduct so as to render him unfit to hold the office of a judge of the Supreme Court of Belize. Electronic copies of the court decisions are available at http://www.belize-law.org/judgements/oct_2002/3_of_2002.html for the Court of Appeals judgment and at www.belize-law.org/judgements/no_65_of_2001.html for the Supreme Court judgment.

- d. If no standards and mechanisms, above stated, exist, briefly indicate how your State has considered the applicability of measures within your own institutional systems to create, maintain and strengthen the standards of conduct for the correct, honorable and proper fulfillment of public functions, and mechanisms to enforce compliance, in accordance with article III (1) and (2) of the Convention.

N/A

2. Conflicts of interests

- a. Are there standards of conduct in your country regarding the prevention of conflicts of interest in the performance of public functions? If yes, briefly describe them, indicating aspects like to whom they apply and the concept on which they are based, and list and attach a copy of the related provisions and documents.

(a) The Code of Conduct in Part IV of the Prevention of Corruption in Public Life Act provides standards of conduct in Belize regarding the prevention of conflicts of interest in the performance of public functions. It prohibits the use of public office for private gain, restricts loans that public officers may receive, restricts retired public officers from certain involvement in companies owned or controlled by the government or public authority, and restrict public officials from acquiring or being involved with companies doing business with the government.

Both section 121 of the Belize Constitution and Regulation 19 of the Public Services Regulations, cited earlier, were designed to prevent conflicts of interest in the performance of public functions. See discussion in #1a above.

- b. Are there mechanisms to enforce compliance with the above standards of conduct? If so, briefly describe them and list and attach a copy of the related provisions and documents.

(1) The Integrity Commission established by the Prevention of Corruption in Public Life Acts may impose punishment for those guilty of contravening the Code of Conduct. Punishment may include severe reprimand, fines, seizure and forfeiture of property acquired in abuse or corruption of office, removal from office, other disciplinary action, and imprisonment.

(2) The Services Commission Regulations, Chapter 4 of the Subsidiary Laws of Belize, Revised Edition 2003, also contain detailed disciplinary procedures whereby each of the three Services Commissions is given powers to charge and discipline public officers accused of corruption and to punish them by either severe reprimand, suspension, surcharges from salaries, or dismissal.

(3) In addition, Title XVI of the Criminal Code of Belize, Chapter 101 of the Substantive Laws of Belize, Revised Edition 2000 – 2003 (available at www.belize-law.org) provides for certain crimes relating to public offices. Specifically, section 284 provides for the crime of corruption. In terms of this crime, every public officer who is found guilty of corruption is liable to imprisonment for two years, regardless of the amount of money involved in the corrupt act. Belize is contemplating amending this provision to make the penalties more onerous. Section 289 also prohibits the bribing of public

officers and imposes a minimum penalty of two years for the offence. Further, section 290 prohibits the influencing of public officers. Further, section 290 prohibits the influencing of public officers. Sections 291 to 293 also create offences designed to punish corrupt practices in respect of acts performed while in judicial or public office.

- c. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

The Contractor General has published several reports and presented them to the National Assembly. These reports, however, did not find any conflict of interest.

The Integrity Commission publishes the financial assets and liabilities of members of the National Assembly in the Gazette. (Copies of the Reports and the Gazette cannot be attached as they are in hard copy only.)

- d. If no standards and mechanisms, above stated, exist, briefly indicate how your State has considered the applicability of measures within your own institutional systems to create, maintain and strengthen the standards of conduct intended to prevent conflicts of interests, and mechanisms to enforce compliance, in accordance with article III (1) and (2) of the Convention.

N/A

3. Conservation and proper use of resources entrusted to public officials in the performance of their functions

- a. Are there standards of conduct in your country that govern the conservation and proper use of resources entrusted to public officials in the performance of their functions? If yes, briefly describe them, indicating aspects like to whom they apply and whether there are exceptions, and list and attach a copy of the related provisions and documents.

1. Section 18 of the Prevention of Corruption in Public Life Acts prohibits the private use of public funds entrusted to public officials in the performance of their functions.

2. Part IV of The Finance and Audit Act, Chapter 15 of the Laws of Belize, Revised Edition 2000-2003 (available at www.belize-law.org), provides that the Financial Secretary shall surcharge any person who is or was a public officer for the amount of Government money or property not collected, improperly paid, deficient, lost, or destroyed by him.

3. The Public Service Regulations 29, 30, 143, 153, and 166 also govern the conservation and proper use of resources entrusted to public officials in the performance of their functions.

- b. Are there mechanisms to enforce compliance with the above standards of conduct? If so, briefly describe them and list and attach a copy of the related provisions and documents.

The Integrity Commission established by the Prevention of Corruption in Public Life Acts may impose punishment for those guilty of contravening the Code of Conduct. Punishment may include severe reprimand, fines, seizure and forfeiture of property acquired in abuse or corruption of office, removal from office, other disciplinary action, and imprisonment. There are also mechanisms that provide for surcharges under the Finance & Audit Act and there are disciplinary procedures under the Public Services Regulations.

- c. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

Several public officers who have misused government property have been surcharged under the Finance and Audit Act, and some have been dismissed following disciplinary proceedings under the Services Commission Regulations.

- d. If no standards and mechanisms, above stated, exist, briefly indicate how your State has considered the applicability of measures within your own institutional systems to create, maintain and strengthen the standards of conduct intended to ensure the proper conservation and use of resources entrusted to public officials in the performance of their functions, and mechanisms to enforce compliance, in accordance with article III (1) and (2) of the Convention.

Belize is committed to make efforts to maintain and strengthen the Code of Conduct to ensure proper conservation and use of resources entrusted to public officials in the performance of their functions, and mechanisms to enforce compliance, in accordance with article III (1) and (2) of the Convention. To achieve this objective, Belize has prepared a modern Finance & Audit Bill to regulate government procurement and government sales.

4. Measures and systems requiring public officials to report to appropriate authorities acts of corruption in the performance of public functions of which they are aware

- a. Are there standards of conduct in your country that establish measures and systems governing the requirement that public officials report to appropriate authorities acts of corruption in public office of which they are aware? If yes, briefly describe them,

indicating aspects like to whom they apply and to what resources they refer, and list and attach a copy of the related provisions and documents.

Public officials must report to the appropriate authorities acts of corruption in public office of which they are aware when they are called to do so. The Integrity Commission has the power to summons witnesses, call for the production of documents, and examine witnesses; and every person summoned to attend and give evidence or produce documents shall be bound to obey the summons. The Public Accounts Committee of the House of Representatives, as already explained, has similar powers. Again, this may be done under Commissions established under the Commissions of Inquiry Act See Chapter 127S of the Laws of Belize, Revised Edition 2000-2003 (available at www.belize.gov.bz). It will be noticed that the Government appointed a Commission to investigate Political Corruption and Mismanagement, Alleged Irregularities in the Economic Citizenship Programme, Alleged Irregularities in the Immigration Department, and so on.

- b. Are there mechanisms to enforce compliance with the above standards of conduct? If so, briefly describe them and list and attach a copy of the related provisions and documents.

Persons who refuse to comply with a summons to attend and give evidence or produce documents shall be guilty of an offence and shall be liable for fine and/or imprisonment. See Section 27 of the Prevention of Corruption in Public Life Act.

- c. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

No one has been prosecuted pursuant to section 27 of the Prevention of Corruption in Public Life Act. However, the Commissions appointed under the Commissions of Inquiry Act have produced valuable reports which have contributed to good governance, reduced irregularities and prevented the occurrence or continued occurrence of corruption.

- d. If no standards and mechanisms, above stated, exist, briefly indicate how your State has considered the applicability of measures within your own institutional systems to create, maintain and strengthen the standards of conduct that establish measures and systems governing the requirement that public officials report to appropriate authorities acts of corruption in public office of which they are aware, and mechanisms to enforce compliance, in accordance with article III (1) and (2) of the Convention.

N/A

CHAPTER TWO

SYSTEMS FOR REGISTERING INCOME, ASSETS AND LIABILITIES (ARTICLE III, 4)

- a. Are there regulations in your country establishing methods for registering the income, assets and liabilities of those who perform public functions in certain posts as specified by law and, where appropriate, for making such disclosures public? If yes, briefly describe them, indicating aspects like to whom they apply and when the declaration must be presented, the content of the declaration, and how the information given is verified, accessed, and used. List and attach a copy of the related provisions and documents.

The Prevention of Corruption in Public Life Act requires financial disclosure from every person in public life via sworn declarations of assets, income and liabilities. After examination, the Integrity Commission may publicly disclose certificates containing summaries of the information contained in the disclosure.

- b. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

The disclosures made to date have been found to be in compliance with the requirements of the Prevention of Corruption in Public Life Act.

- c. If no regulations, above stated, exist, briefly indicate how your State has considered the applicability of measures within your own institutional systems to create, maintain and strengthen the regulations that establish methods for registering the income, assets and liabilities of those who perform public functions in certain posts as specified by law and, where appropriate, for making such disclosures public, in accordance with article III (4) of the Convention.

N/A

CHAPTER THREE

OVERSIGHT BODIES

- a. Are there oversight bodies charged with the responsibility of ensuring compliance with the provisions stated in article III (1), (2) and (4)? If yes, list and briefly describe their functions and characteristics, and attach a copy of the related provisions and documents.

1. The Prevention of Corruption in Public Life Act established the Integrity Commission is responsible for ensuring compliance with the provisions stated in article III. Its functions are to:
 - (a) receive, examine and retain all declarations filed with it under th[e] Act;
 - (b) make such inquiries as it considers necessary in order to verify or determine the accuracy of the declarations filed under th[e] Act;
 - (c) receive and investigate complaints regarding non-compliance with or breach of the provisions of th[e] Act;
 - (d) perform such other functions as it is required by th[e] Act to perform.

 2. The Contractor General (see discussion at Page 5 above).
 3. The Public Accounts Committee (See discussion at Page 6 above).
 4. The Ombudsman (See discussion at Page 6 above).
 5. Commissions of Inquiry (on an ad hoc basis) (See discussion at Page 11 above).
- b. Briefly state the results that said oversight bodies have obtained in complying with the previous functions, attaching the pertinent statistical information, if available.
- Reports have been prepared but are in hard copy. Basically, the reports have been very useful in combating corruption.
- c. If no standards and mechanisms, above stated, exist, briefly indicate how your State has considered the applicability of measures, in accordance with article III (9) of the Convention.

N/A

CHAPTER FOUR

PARTICIPATION BY CIVIL SOCIETY (ARTICLE III, NUMBER 11)

1. General questions on the mechanisms for participation

- a. Are there in your country a legal framework and mechanisms to encourage participation by civil society and non-governmental organizations in efforts to prevent corruption? If so, briefly describe them and list and attach a copy of the related provisions and documents.

The Integrity Commission established under the Prevention of Corruption in Public Life Act consists of 7 members, a Chairman who shall be an attorney-at-law; and 6 members appointed by the Governor General on the advice of the Prime Minister after consultation with the leader of the Opposition. One member of the Commission must be a member of the Institute of Chartered Accountants of Belize. See section 4(1) of the Act.

- b. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

There is currently no information available on results that have been obtained in implementing the above standards and mechanisms.

- c. If no mechanisms, above stated, exist, briefly indicate how your State has considered the applicability of measures within your own institutional systems to create, maintain and strengthen the mechanisms to encourage participation by civil society and non-governmental organizations in efforts to prevent corruption, in accordance with article III (11) of the Convention.

N/A

2. Mechanisms for access to information

- a. Are there mechanisms in your country that regulate and facilitate the access of civil society and non-governmental organizations to information in the control of public institutions? If so, describe them briefly, and indicating, for example, before which entity or agency said mechanisms may be presented and under what criteria the petitions are evaluated. List and attach a copy of the related provisions and documents.

Yes, the Freedom of Information Act regulates and facilitates the access of civil society and non-governmental organizations to information in the control of public institutions. Anyone can call for information within a Government Ministry, Department or Statutory Body. Chapter 13 of the Laws of Belize, Revised Edition 2000-2003 (available at www.belizelaw.org) provides in sections 9 and 10 as follows:

9. Subject to this Act, every person shall have a right to obtain access in accordance with this Act to any document of a Ministry or prescribed authority, other than an exempt document.
10. Where -
 - (a) a document is open to public access, as part of a public register or otherwise, in accordance with another enactment; or
 - (b) a document is available for purchase by the public in accordance with arrangements made by a Ministry or prescribed authority,

the access to that document shall be obtained in accordance with that enactment or arrangement, as the case may be.

- b. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

A lot of requests for information have been received by the Government Departments and Ministries. Generally, information requested relate to Government contracts and the information has been furnished upon request.

3. Mechanisms for consultation

- a. Are there mechanisms in your country for those who perform public functions to consult civil society and non-governmental organizations on matters within their sphere of competence, which can be used for the purpose of preventing, detecting, punishing, and eradicating public corruption? If so, briefly describe them and list and attach a copy of the related provisions and documents.

Aside from provisions against disclosure of secret and confidential information, nothing prevents those who perform public functions from consulting with civil society and non-governmental organizations on matters within their sphere of competence, which can be used for the purpose of preventing, detecting, punishing, and eradicating public corruption.

- b. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

The most prominent example of public sector and civil society collaboration to prevent corruption relates to the case of George Meerabux (discussed above) who was removed from office on corruption related charges.

4. Mechanisms to encourage active participation in public administration

- a. Are there mechanisms in your country to facilitate, promote, and obtain the active participation of civil society and non-governmental organizations in the process of public policy making and decision making, in order to meet the purposes of preventing, detecting, punishing and eradicating acts of public corruption? If so, briefly describe them and list and attach the related provisions and documents.

The Integrity Commission facilitates, promotes, and obtains the active participation of civil society and non-governmental organizations in the process of public policy

making and decision making, in order to meet the purposes of preventing, detecting, punishing and eradicating acts of public corruption.

There is also in Belize a Non-Governmental Organizations Act which enables the easy registration of NGOs, some of which may have a mandate to deter corruption. See Chapter 315 of the Laws of Belize, Revised Edition 2000-2003 (available at www.belizealaw.org).

A Political Reform Commission has been established which made several recommendations related to corruption eradication, most of which were implemented by the Government.

- b. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

There is currently no information available on results that have been obtained in implementing the above standards and mechanisms.

5. Participation mechanisms for the follow-up of the public administration

- a. Are there mechanisms in your country to facilitate, promote, and obtain the active participation of civil society and non- governmental organizations in the follow-up of public administration, in order to meet the purposes of preventing, detecting, punishing and eradicating acts of public corruption? If so, briefly describe them, and list and attach a copy of the related provisions and documents.

The Integrity Commission is currently the only mechanism in Belize to facilitate, promote, and obtain the active participation of civil society and non- governmental organizations in the follow-up of public administration, in order to meet the purposes of preventing, detecting, punishing and eradicating acts of public corruption.

- b. Briefly state the results that have been obtained in implementing the above standards and mechanisms, attaching the pertinent statistical information, if available.

There is currently no information available on results that have been obtained in implementing the above standards and mechanisms.

CHAPTER FIVE

ASSISTANCE AND COOPERATION (ARTICLE XIV)

1. Mutual Assistance

- a. Briefly describe your country's legal framework, if any, that establishes mechanisms for mutual assistance in processing requests from foreign States that seek assistance in the investigation and prosecution of acts of corruption. Attach a copy of the provisions that contain such mechanisms.

Belize is a party to treaties on Mutual Legal Assistance in criminal matters with the USA, and several other countries whereby it has consented to assist in processing requests from foreign States that seek assistance in the investigation and prosecution of criminal acts, which include acts of corruption. It is currently negotiating a similar treaty with the CARICOM.

- b. Has your government presented or received requests for mutual assistance under the Convention? If so, indicate the number of requests that it has presented, explaining how many of them have not been answered and how many have been denied and for what reason; indicate the number of requests that it has received, explaining how many of them have not been answered and how many have been denied and for what reason; mention the average time it has taken your country to answer said requests and the average time in which other countries have responded, and indicate whether you consider these intervals reasonable.

Belize has not presented and has not received requests for mutual assistance under these Conventions.

- c. If no mechanisms, above stated, exist, briefly indicate how your State has implemented the obligation, in accordance with article XIV (1) of the Convention.

N/A

2. Mutual technical cooperation

- a. Does your country have mechanisms to permit the widest measure of mutual technical cooperation with other States Parties regarding the most effective ways and means of preventing, detecting, investigating, and punishing acts of public corruption, including the exchange of experiences by way of agreements and meetings between competent bodies and institutions, and the sharing of knowledge on methods and procedures for citizen participation in the fight against corruption? If so, describe them briefly.

Belize has mechanisms to permit the widest measure of mutual technical cooperation with other States Parties; and such technical cooperation mechanisms may be used to inform the most effective ways and means of preventing, detecting, investigating, and punishing acts of public corruption, including the exchange of experiences by way of agreements and meetings between competent bodies and institutions, and the sharing of knowledge on methods and procedures for citizen participation in the fight against corruption.

- b. Has your government made requests to other States Parties or received requests from them for mutual technical cooperation under the Convention? If so, briefly describe the results.

Belize has made no requests to other States Parties nor received requests from them for mutual technical cooperation under the Convention.

- c. If no mechanisms, above stated, exist, briefly indicate how your State has implemented the obligation, in accordance with article XIV (2) of the Convention.

N/A

- d. Has your county developed technical cooperation programs or projects on aspects that are referred to in the Convention, in conjunction with international agencies or organizations? If so, briefly describe, including, for example, the subject matter of the program or project and the results obtained.

Belize has not developed technical cooperation programs or projects on aspects that are referred to in the Convention, in conjunction with international agencies or organizations.

CHAPTER SIX

CENTRAL AUTHORITIES (ARTICLE XVIII)

1. Designation of Central Authorities

- a. Has your country designated a central authority for the purposes of channeling requests for mutual assistance as provided under the Convention?

Yes, the Solicitor General is the designated central authority for the purposes of channeling requests for mutual assistance as provided under the Convention.

- b. Has your country designated a central authority for the purposes of channeling requests for mutual technical cooperation as provided under the Convention?

Yes, the Solicitor General is the designated central authority for the purposes of channeling requests for mutual technical cooperation as provided under the Convention.

- c. If your country has designated a central authority or central authorities please provide the necessary contact data, including the name of the agency(ies) and the responsible official(s), the position that he or she occupies, telephone and fax numbers, and e-mail address(es).

The Solicitor General is the designated central authority. The Solicitor General of Belize is Mr. Elson Kaseke, whose contact data is:

Mr. Elson Kaseke
Solicitor General
Attorney General Ministry
Belmopan, Belize
Central America
Tel: 822-2154/2504 – Telex: 102 Foreign Belize – Fax No. 822-3390
E-Mail – ekaseke@hotmail.com

- d. If no central authority or authorities have been designated, briefly indicate how your State will implement the obligation, in accordance with article XIV (2) of the Convention.

N/A

2. Operation of Central Authorities

- a. Does the central authority have the necessary human, financial and technical resources to enable it to properly make and receive requests for assistance and cooperation under the Convention? If yes, please describe them briefly.

Subject to a limited budget, the Solicitor General does have the necessary human, financial and technical resources to enable him to properly make and receive requests for assistance and cooperation under the Convention.

- b. Has the central authority, since its designation, made or received requests for assistance and cooperation under the Convention? If so, indicate the results obtained, whether there were obstacles or difficulties in handling the requests, and how this problem could be solved.

The central authority, since his designation, has not made nor received requests for assistance and cooperation under the Convention.

III. INFORMATION ON THE OFFICIAL RESPONSIBLE FOR COMPLETION OF THIS QUESTIONNAIRE

- a. State Party BELIZE
- b. The official to be consulted regarding the responses to the questionnaire is:

Mr. Elson Kaseke

Ms. _____

Title/position: Solicitor General

Agency/office: Attorney General's Ministry

Mailing address: Attorney General's Ministry; Belmopan, Belize, Central America

Telephone number: +501-822-2154

Fax number: +501-822-2154

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