




## Chapter 2



**Compilation  
of the PCC  
Recommendations**



# People's Constitution Commission

Market Square Plaza, Belmopan, BELIZE  
Tel: 608-1208 Email: [peoplesconstitution.com@gmail.com](mailto:peoplesconstitution.com@gmail.com)

---

March 26<sup>th</sup> , 2025

Dear Stakeholder of the People's Constitution Commission,

Please find the attached PCC authorized document titled "**Compilation of PCC Recommendations**". This document is intended for sharing with your respective Stakeholder audiences only!

The PCC designed and implemented its Public Outreach and Education Campaign across five Zones for the sole purpose to afford the people of Belize, both within and outside the country to the extent practicable, the opportunity to freely express their opinions and make suggestions on matters they feel should be considered in the Constitution. This nationwide effort yielded thousands of comments and suggestions from the citizenry. In order to categorize the more than 6,690 responses received, the Commission established six (6) Technical Thematic Committees (TTC), comprised of Commissioners and assigned each group to specific Sections of the Constitution to review the Data in the Tableau, deliberate issues raised and record these responses into the relevant Sections of the Belize Constitution. Chairpersons of each TTC were given the opportunity to present their work twice at intervals of 2-week sessions to the plenary and also at a 4-day plenary session of the Commission. This protocol and procedure informed the contents now compiled and presented.

The PCC recognizes the value of further consultations and the importance of providing sufficient time to conduct a proper review of the contents in this document. As such, a 30-day period from **March 26<sup>th</sup> to April 26<sup>th</sup>** will be provided you to do so. It would be helpful to review these recommendations alongside the Belize Constitution. At the end of the review period, Stakeholders are asked to electronically submit, on official letterhead, your views and opinions on these recommendations **no later than Wednesday April 30<sup>th</sup> 2025** to the address provided below:

**Office of the Chairman**  
**Phone #602-0693**  
**Email: [peoplesconstitution.com@gmail.com](mailto:peoplesconstitution.com@gmail.com)**

Please be reminded that this document is not intended for public consumption at this time but for Commissioners and their respective Stakeholders to review only! Please contact the Office of the Chairman during normal working hours if you have any questions or need further clarification.

All official responses received will form an integral part of the **Final Report**.

Anthony Chanona  
Chairman – PCC

# PEOPLE’S CONSTITUTION COMMISSION RECOMMENDATIONS

---

## TABLE OF CONTENTS

OVERVIEW	10
SOCIETY	11
GOVERNANCE	11
RULE OF LAW	12
FINANCE & ACCOUNTABILITY	15
JUDICIARY	15
OTHER MATTERS	15
<b>PREAMBLE</b>	<b>15</b>
Recommendation 1: Supremacy of God (Reaffirmed)	15
Recommendation 2: Preamble (Expansion of New Rights)	15
Recommendation 3: Preamble (Expansion of the definition of Family)	16
Recommendation 4: Preamble (Expansion for Protection of Water)	16
Recommendation 5: Preamble (Expansion for Protection of Food Security)	16
Recommendation 6: Preamble (Expansion to recognize Church-State Partnership in Education and to recognize parents’/family’s choice)	17
Recommendation 7: Preamble (Expansion to Guarantee Parental Rights)	17
Recommendation 8: Preamble (Expansion for Marriage)	17
Recommendation 9: Preamble (Expansion to include Maya self-determinism)	18
Recommendation 10: Preamble (Expansion to include assessment and register of tokenized interest)	18
<b>PART I – THE STATE AND THE CONSTITUTION</b>	<b>20</b>
Recommendation 11: Definition of State & Language	20
Recommendation 12: Amend Section 1(1)	20
Recommendation 13: Ratification of International Agreements	20
Recommendation 14: Amend Section 2(1)	21
Recommendation 15: Reaffirm and Expand Sovereignty and Territorial Integrity	21

## PEOPLE’S CONSTITUTION COMMISSION RECOMMENDATIONS

---

Recommendation 16: Amend to create subsection 2(3) and (4)	22
<b>PART II – FUNDAMENTAL RIGHTS</b>	<b>23</b>
<b>PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS</b>	<b>23</b>
Recommendation 17: Create and Publish a Charter of Rights.	23
Recommendation 18: Amend Section 3	23
Recommendation 19: Age of Consent	23
Recommendation 20: Amend to Remove Death Penalty	23
Recommendation 21: Amend Section 5(2) to Provide for Right to Legal Aid/Representation	24
Recommendation 22: Amend Section 5(5) to provide for Right to Bail	24
Recommendation 23: Amend Section 6(2) to define “Reasonable Time”	25
Recommendation 24 - Protection from Inhumane treatment	25
Recommendation 25 - Protection from Slavery and Forced Labour	25
Recommendation 26: Amend Repeal and Replace Section 9(1) – Expand the Right to Protection from arbitrary search or entry	25
Recommendation 27: Amend Section 10 (3)	26
Recommendation 28: Expand Section 11	26
Recommendation 29: Strengthen the Right to Religious Freedom	26
Recommendation 30 - Freedom of Expression	27
Recommendation 31: Strengthen Freedom of Assembly	27
Recommendation 32: Expansion of Right to Privacy	27
Recommendation 33: Protection of Right to Work.	28
Recommendation 34: Protection from discrimination	28
Recommendation 35: Strengthen the Protection from deprivation of property.	28
Recommendation 36: Recognition and Protection of Collective Property Rights and Assessment of Collective Property Rights	29
Recommendation 37: Create a Sovereign Wealth Fund	29
Recommendation 38: Establish a Right to Human Dignity	29

## PEOPLE’S CONSTITUTION COMMISSION RECOMMENDATIONS

Recommendation 39: Establish a Right to Free Education for Preschool, Primary and Secondary	29
Recommendation 40: Funding Free Education	30
Recommendation 41: Establish a Right of Access to Tertiary Education	30
Recommendation 42: Establish Rights of Denominational Schools	30
Recommendation 43: Recognize the Right of Private Educational Institutions	31
Recommendation 44: Recognize the Right to Protection of Personal Data	31
Recommendation 45: Establish a Data Management Authority	32
Recommendation 46: Establish and Secure the Freedom of the Press	32
<b>FREEDOM OF THE PRESS</b>	<b>32</b>
Recommendation 47: Establish a Right to Information	33
<b>ACCESS TO INFORMATION</b>	<b>33</b>
Recommendation 48: Right to Disclosure/ Information of Beneficial Ownership	34
Recommendation 49: Establish a Right to Access Quality Healthcare	34
Recommendation 50: Establishment of National Health Insurance	36
Establishment of a Statutory Body to administer the NHI and ensure accountability and transparency	36
National Insurance Identification Card	36
Establishment of a Procurement Board for medical equipment and pharmaceuticals.	37
Recommendation 51: Establishment of the Right to Environmental Protection	37
Recommendation 52: Establishment of Parental Rights	38
<b>EMERGENCY POWERS</b>	<b>39</b>
Recommendation 53: Amend to expand and make provision for Public Emergency	39
Recommendation 54: Amend the triggers for Public Emergency	39
Recommendation 55: Amend to remove Governor General’s Powers	40
Recommendation 56: Amendment for Removal of Her Majesty in Council	40
<b>PART III – CITIZENSHIP</b>	<b>41</b>

## PEOPLE’S CONSTITUTION COMMISSION RECOMMENDATIONS

Recommendation 57: Amend Criteria for Citizenship by Marriage	41
Recommendation 58: Testing Requirement for Citizenship	41
Recommendation 59: Amend to Limit Citizenship of Economic Citizens	41
Recommendation 60: Amend to Equalize Citizenship Rights between men and women	42
<b>PART IV – THE GOVERNOR GENERAL</b>	<b>43</b>
Recommendation 61: Amend to Abolish the Office of the Governor General	43
Recommendation 62: Repeal and Replace Part IV with the Establishment of the Office of the Constitution.	43
<b>PART V – THE EXECUTIVE</b>	<b>45</b>
Recommendation 63: Establishment of the Executive authority	45
Recommendation 64: Establish the Direct Election of the Prime Minister	45
Recommendation 65: Qualification and Disqualification of Prime Minister and Deputy Prime Minister	46
Recommendation 66: Impeachment	47
Recommendation 67: Establish the Office of the Deputy Prime Minister, Performance, and Functions	47
Recommendation 68: Establishment of Cabinet	48
Recommendation 69: Establishment of Allocation of Portfolios to Cabinet Ministers	48
Recommendation 70: Establish the Office of the AttorneyGeneral.	49
Recommendation 71: Provisions for Performance due to Absence or Illness	49
Recommendation 72: Role of Deputy Ministers	50
Recommendation 73: Oath of Ministers	50
Recommendation 74: Establishment of Offices of Majority and Minority Leaders	50
Recommendation 75: Repeal Section 48	50
Recommendation 76: Establishment of Office of Secretary to the Cabinet	50
Recommendation 77: Amend Section 49 (Control of Public Prosecutions)	51
Recommendation 78: Establishment of the Executive Office of the Prime Minister	51
Recommendation 79: Establishment of the Prerogative of Mercy	51

## PEOPLE’S CONSTITUTION COMMISSION RECOMMENDATIONS

---

Recommendation 80: Amend Belize Advisory Council	52
<b>PART VI – THE LEGISLATURE</b>	<b>56</b>
(The First Branch)	56
Recommendation 81: Expand Section 55	56
Recommendation 82: Amend Section 56 (Composition of Lower House)	56
Recommendation 83: Amend Section 57 (Qualification for Election)	57
Recommendation 84: Amend Section 58 (Disqualification for Election)	57
Recommendation 85: Amend Section 59 (Tenure of Office)	58
Recommendation 86: Repeal Section 59 A and 59 (2)(e)	59
Recommendation 87: Repeal and Replace Section 60(2)	59
Recommendation 88: Repeal Sections 60 (3), (4), and (5)	60
<b>THE SENATE</b>	<b>60</b>
Recommendation 89: Repeal and Replace Section 61	60
Recommendation 90: Repeal and Replace Section 61A (2)	61
Recommendation 91: Amend to Repeal and Replace Section 62	63
Recommendation 92: Amend Section 63 (Disqualification)	64
Recommendation 93: Amend Section 64	65
Recommendation 94: Salaries of Parliamentarians	67
Recommendation 95: Procedure for Ratification of Treaties	67
Powers and Procedure	68
Recommendation 96: Amend Section 69 as follows:	68
Recommendation 97: Amend Section 70 (1) to replace Governor General with Prime Minister	68
Recommendation 98: Amendment of Proviso in Section 71(1)	68
Recommendation 99: Amend Section 72(2)	69
Recommendation 100: Amend Section 73 (2)	69
Recommendation 101: Amend Section 76 (2) (a) and (b)	69

## PEOPLE’S CONSTITUTION COMMISSION RECOMMENDATIONS

Recommendation 102: Amend to Repeal and Replace 77 (2)	70
Recommendation 103: Amend to Repeal and Replace Section 78	70
Recommendation 104: Human and Institutional Resources available to the National Assembly	71
Recommendation 105: Repeal and Replace Elections and Boundaries Department	71
Institute of Electoral Affairs	71
Recommendation 106: Amend Section 89 (2) on Parliamentary Terms.	75
<i>Electoral Divisions</i>	75
Recommendation 107: Amend Section 90 Increase of electoral divisions	76 76
Recommendation 108: Amend Repeal and Replace Section 91 Revision of electoral divisions	77 77
Recommendation 109: Amend Section 92(a) Conduct of voting.	78 78
Recommendation 110: Amend to expand Section 93 Conduct of elections	78 78
Recommendation 111: Establishment of Constitutional Protection to Local Government. Local Government Composition of Local Government Qualification for election as member Disqualification for election as member. Conduct of voting: Registry of Voters to be kept by Villages and Alcaldes Tenure of office of members Procedure where a member vacates seat Village Boundaries, land, and resources	79 79 79 80 80 81 81 81 81 82
Recommendation 112: National Symbols Changes	82
Recommendation 113: Referendum	83
<b>PART VII – THE JUDICIARY</b>	<b>84</b>
Recommendation 114: Hierarchy	84
Recommendation 115: Alcalde System and Standardization	84
Recommendation 116: Establishment of a Constitutional Court	85
Recommendation 117: Transforming the Magistracy	85
Recommendation 118: Independence of the Judiciary	85



## PEOPLE’S CONSTITUTION COMMISSION RECOMMENDATIONS

---

Recommendation 119: Financial Independence	85
Recommendation 120: Establishing the protected percentage JURIST MOBILITY AND EMPLOYMENT	86 86
Recommendation 121: Career Judicial Officers	86
Recommendation 122: Judicial and Legal Services Commission	87
Recommendation 123: Composition of Judicial Complaints and Judicial Affairs Body	89
Recommendation 124: Employment of Judicial Officers	90
Recommendation 125: Recruitment of Judicial Officers JUDICIAL CONDUCT	90 91
Recommendation 126: Expanding and Creating Clear Guidelines for Removal	91
Recommendation 127: Fortifying Summary Prosecutions SOCIAL OUTREACH	93 93
Recommendation 128: Connecting the Judiciary to the People MODERNIZATION OF JUSTICE SYSTEM	93 95
Recommendation 129: Restoring Integrity and Efficiency in the Justice System	95
Recommendation 130: Restoring Dignity ENFORCEMENT AND PROTECTION AGAINST STATE AGENCIES	96 96
Recommendation 131: Safeguards for Justice RESTORING DIGNITY TO SECURITY SERVICES	96 97
Recommendation 132: Recruitment	97
Recommendation 133: Training	97
Recommendation 134: Comprehensive Health Assessment	97
Recommendation 135: Liveable Wages	98
<b>PART VIII</b>	<b>99</b>
<b>SUB-PART I – THE PUBLIC SERVICES COMMISSION</b>	<b>99</b>
Recommendation 136: Establishment as an Independent Part	99
Recommendation 137: Composition of the Public Services Commission	99
Recommendation 138: Function of the Commission	100
Recommendation 139: Employment in Public Sector	100

## PEOPLE’S CONSTITUTION COMMISSION RECOMMENDATIONS

Recommendation 140: Obligation to provide Annual Report	100
Recommendation 141: Mode of Appointment of Offices	100
Recommendation 142: Creation of Oversight Offices	100
Recommendation 143: Strengthening Existing Oversight Bodies	101
Recommendation 144: Qualification and Term of Auditor General	101
Recommendation 145: Powers of Auditor General	101
Recommendation 146: Expand reporting obligation of Auditor General	102
Recommendation 147: Amend Section 120 to provide recourse for non-compliance	102
Recommendation 148: Power of the Senate and Joint Public Accounts Committee	102
Recommendation 149: Amend Section 108 to clarify operations of the Office of Department of Public Prosecutions	102
Recommendation 150: Constitutional Protection for the Contractor General and the Ombudsman	103
<b>SUB-PART II – THE SECURITY SERVICES COMMISSION</b>	<b>104</b>
Recommendation 151: Composition of Commissions	104
Recommendation 152: Commission to Submit Annual Report	104
Recommendation 153: Amend Section 107	105
Recommendation 154: Amend to limit the power of Head of State	105
Recommendation 155: Constitutional Recognition of the Teaching Services Commission	105
<b>SUB-PART V – PENSION LAWS AND PENSION RIGHTS OF PUBLIC OFFICERS</b>	<b>106</b>
<b>RESTRUCTURING THE PENSION SYSTEM</b>	<b>106</b>
Recommendation 156: Create a Policy to Resolve Pension Dispute	106
<b>PART IX – FINANCE</b>	<b>110</b>
Recommendation 157: Budget Preparation and Allocation	110
Recommendation 158: Treatment of Tax Collection	111
Recommendation 159: Budgetary Proposal	112

## PEOPLE’S CONSTITUTION COMMISSION RECOMMENDATIONS

---

Recommendation 160: Spending limits and provision for impasse	112
Recommendation 161: Contingency Fund	112
Recommendation 162: Debt-to-Gross Domestic Product Ceiling	112
<b>SOCIALLY FUNDED PROGRAMMES REPORTING</b>	<b>113</b>
Recommendation 163: Creating audit and oversight	113
<b>WHISTLEBLOWER PROTECTION</b>	<b>113</b>
Recommendation 164: Constitutional Protection for Whistleblowers	113
Recommendation 165: Establishment of the Office of the Constitution	114
Recommendation 166: Establishment of Other Offices	115
<b>PART XIII GOVERNMENT CONTROL OVER PUBLIC UTILITIES</b>	<b>116</b>
Recommendation 167: Government to Maintain Majority Share in Public Utilities	116
<b>OTHER MATTERS</b>	<b>117</b>
<b>OPERATIONALIZING PROVISIONS</b>	<b>123</b>
1. Quality Outcomes for Education	123
2. Charter of Rights	123
3. Sovereign Wealth Fund	123
4. Guidelines on Human Data Collection	124
5. Protection of Children/Age of Consent	126
6. Publication and Circulation of the Constitution	127

## OVERVIEW

This overview explains the context, source, and procedure of the People’s Constitution Commission (PCC) in arriving at the recommendations intended to be submitted in its Final Report to the Prime Minister. The PCC engaged in public awareness and education of the Constitution. Following its Public Awareness Campaign (PAC) PCC identified a new and emerging area that recognizes societal issues as a key area of concern. The PCC used the existing parts of the Constitution of Belize and the new area “Society” to categorize and filter the results of its Public Awareness Campaign (PAC). The PCC created six Technical Thematic Committees (TCC). The six TCC are: Governance, Society, Rule of Law, Judiciary, and Finance and Accountability. Rule of Law and Judiciary were merged and worked together to produce recommendations from those TCCs. Each TCC is chaired by a Commissioner of the PCC, with the exception of one Chairman, who is engaged in a Consultancy capacity.

It is important to note, for the purpose of completeness, that the First Draft was presented and discussed at Plenary over a four-day period. Commissioner-Stakeholders were able to make suggestions and contribute to fine-tuning the recommendations. The TCC then regrouped to review and determine whether the suggestions and contributions from the floor would influence the Second Draft. TCC either took the suggestions and contributions under advisement and amended the Recommendation, or, alternatively, some recommendation retained their original version as determined by the respective TCC.

This is the third draft of these recommendations. The first was accompanied by an open floor discussion of each recommendation. The process invited TCC Chairs to consider input from the floor with the option to yield to some recommendations, or to maintain the recommendations as they emanated from the TCC. It is important, therefore, that where recommendations remain unchanged it is as a result of either the TCC Chair opting to preserve the recommendation from the respective group, or that the team of Chairs did not consider the suggested changes were necessary. Both the PCC and the TCC appreciate that some recommendations could be left to policy. However, it is important to understand that Belizeans no longer wish for politics and policy to determine their benefits as citizens of the State.

## **SOCIETY**

The Preamble of the Belize Constitution lays out our fundamental beliefs and values, and provides our citizens with “sacred rights and freedoms”. While explicitly outlining the guiding principles by establishing the conduct of government and protecting our fundamental rights, the Constitution serves as society's foremost safeguard against injustice. At the end of its Public Awareness Campaign, the PCC dataset recognized that the largest percentage (25%) of the discourse with citizens was centered on societal themes and preferences. This prompted a dedicated Thematic Committee to give significant attention to those concerns.

The Society Thematic sub-committee examined issues related to rights to education, health services, environment, as well as areas such as covenants and treaties, labour, culture, charity and private business, data, language, religion, and morality. Although it may seem that many of these societal challenges cannot be fully addressed through constitutional amendments alone, a deeper analysis revealed ways in which the institutions enshrined in the Constitution could be reformed to effectively tackle these issues.

The recommendations outlined below are the result of an extensive education campaign, research and debate on the wide range of topics covered in the Society thematic area. They aim to address the systemic societal challenges, protect the inherent human dignity and quality of life, and enhance the functionality of our institutions to safeguard those who are most affected by these issues. Recognizing that there are no formal legal constitutional provisions to protect societal rights, the recommendations seek to expand the Belize Constitution to reflect the dominant theme of the voices of the people by including an enforceable Chapter formalizing the social contract between the Government and the People.

## **GOVERNANCE**

Governance issues were 23% of the public response of the 40,000 persons in the PAC. The PAC reached mostly urban areas and 53% of villages. Data categorization of the campaign of meetings, surveys and proposals shows that the executive was the number one citizen concern of the top ten categories. In sub-categories of changes wanted in governance were the following areas with their percentages: executive 58%, local government 17%, legislature 12%, sovereignty 9%, political parties 3% and the Governor General 1%.

The major governance concerns were allocation of resources, equity, separation of powers, oversight of executive, accountability, corruption, censure, abuse of power, participatory democracy, community development, consultation, sovereignty, and leadership posts in

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

executive, legislature and judiciary being born Belizean. In short, Belizeans wanted a return of power to the people. People wanted to directly elect their Prime Minister and have him/her as Head of State. People had no problem in the Prime Minister choosing a Cabinet from unelected professionals. They also wanted the administration or executive to be accountable to the elected agents of the people, the National Assembly, in effect, making the Legislature the first branch overseeing the Executive as the second branch. In a sense the administration accounts to a board. Term limits, age, nationality, loyalty and a clean record were raised.

The House of Representatives will be expanded as a daily fulltime job with increased support, infrastructure, and resources. This is essential to improve the National Assembly's role in properly allocating resources to all the people, which differs from a small select sub-cabinet making those decisions. In addition to the role of deciding on laws, taxes and allocation of resources, the House will also have the ability to censure elected, contracted, employed and non-elected officials.

The elected Senate becomes the august body with its legitimacy earned by direct district wide election. It is in the Senate that nominated officials are vetted and approved in a public setting. It votes on money bills; approves agreements; investigates, censures, and impeaches public officials. Two new features added were making the five types of local government governing communities a part of the Constitution and an Office of the Constitution which should improve the process of citizens knowing and enjoying their role in a Constitution powered by the people. The establishment of the Institute of Electoral Affairs amplifies the role in election and boundaries as well as the agency which will register and regulate political parties and their financing.

### **RULE OF LAW**

The Rule of Law Thematic Committee was tasked with reviewing the data categorized under the subheads of: Amendments, Citizenship, Emergency Powers, Immigration, Preamble, Protection of Fundamental Rights, and the State and the Constitution. In furtherance of this, TCC members were tasked with reading the Constitution, and reviewing reference materials (including the Final Report of the Political Reform Commission 2000). This provided context for reviewing the data set for each sub-topic. At the beginning of the examination, members combed through the data in each sub-topic for themes. These themes were identified by the supporting data set number, and the frequency of the occurrence was identified during the discussions. Each theme was ventilated individually by the TCC.

TCC members were given an opportunity to provide themes, and deliberations were held

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

on the themes identified. The deliberations took the form of identifying what the people were saying, understanding the stated or underlying issue(s), finding the relevant area of constitutional law that it relates to, examining the relevant constitutional provisions to validate the concerns, resolving the concerns by way of recommendations to strengthen, remove, or replace the existing provisions. Notes of the discussions were taken and recommendations were formulated reflecting the view of the TCC.

### **FINANCE & ACCOUNTABILITY**

The Constitution's provisions on public finance and checks and balance mechanisms were reviewed, and recommendations have been made to strengthen the country's fiscal governance framework. These proposals seek to enhance transparency, oversight, and efficiency in the management of public resources, ensuring that financial decision-making aligns with principles of sustainability and accountability. By addressing existing gaps and weaknesses in constitutional provisions, the recommendations focus on establishing stronger safeguards against fiscal mismanagement, improving mechanisms for legislative and public scrutiny, and reinforcing the role of independent oversight bodies. A key aspect of this review involved assessing the effectiveness of accountability bodies, with recommendations made to improve their transparency and strengthen their institutional capacity to function as effective watchdogs over government finances and operations. The ultimate objective is to create a more robust system that upholds responsible fiscal practices and fosters greater public trust in government financial operations.

At the core of these recommendations is the need to modernize Belize's approach to public financial management to reflect international best practices. This includes strengthening the legal framework for budgetary processes, enhancing fiscal responsibility mechanisms, and ensuring greater transparency in government spending and borrowing. Additionally, the proposals emphasize the importance of institutional independence in financial oversight, reinforcing the autonomy and effectiveness of bodies such as the Auditor General's Office and the Public Accounts Committee. Specific recommendations have been made to improve these bodies' operational capacity, ensuring that they have the necessary legal authority, resources, and independence to conduct thorough investigations and hold public officials accountable. By implementing these reforms, Belize can establish a more accountable and resilient public finance system, ultimately contributing to long-term economic stability and improved governance.

## PEOPLE’S CONSTITUTION COMMISSION RECOMMENDATIONS

---

### **JUDICIARY**

The citizen surveys, questionnaires, and public hearings were consolidated and filtered into categories closely aligned with the parts in the Constitution. Under Judiciary, the subcategories were National Security, /Crime in the Community, Police, Miscellaneous, Repeal and Date of Commencements, and Judiciary.

The comments, concerns and criticisms formed recommendations and reflect various themes of citizens’ concern with the Judiciary. Notably, citizens’ insufficient knowledge and understanding of the Judiciary handicaps the appreciation of the institution. Conversely, citizens’ insufficient knowledge and understanding discloses alarming distrust, low morale, poor perception, and simply a generalized belief that the system is not functioning the way it should. Particular areas of concern are captured by subheadings (themes) herein, and the formulation of some recommendations reflects a treatment that is intended to resolve citizens’ concerns.

It is appreciated that many concerns do not attract constitutional amendment. However, where areas of concern were replete, recommendations were made to operationalize the Judiciary in a way that provides meaningful change to this important branch of government. Once operational/policy type recommendations are adopted the Judiciary stands to be a fortified institution.

### **OTHER MATTERS**

The Technical Thematic Committee (TTC) Chairs of the PCC considered the statutory remit set out in Section 6(1) (a) of the People’s Constitution Commission Act, No. 28 of 2022, to “... *conduct a comprehensive review of the Belize Constitution...*” and determine whether it fully complied with the obligation and expectation set out therein. Having done so the PCC recognized that there were areas that required consideration for commendation to the Government of Belize. Those considerations ensured that the PCC, as best as possible, addressed all the Parts of the Constitution. So, where other matters of the Constitution did not form part of the recommendations discussed on the floor at the Plenary meetings they did not remain outstanding and are now contained in this document.



## **PREAMBLE**

### **Recommendation 1: Supremacy of God (Reaffirmed)**

1. The data reflect a strong stance on the reference in the Constitution to "...affirm that the Nation of Belize shall be founded upon principles which acknowledge the supremacy of God..." be kept in the Constitution.

There was a view that this reference along with the inclusion of the Right to Freedom of Conscience (including religious freedom) conforms with our Legislative requirement to maintain Belize's existence as a State that does not impose a State religion.

### **Recommendation 2: Preamble (Expansion of New Rights)**

2. Reconcile the language of the Preamble to reflect the social contract that would include new rights. This would ensure that the Constitution accurately reflects the Preamble.

Example:

*That Preamble at (b) states "and a just system should be ensured to provide for education, health and a healthy environment on the basis of equality."*

*The Rights to Education, Health and Environment were added to the fundamental rights.*

**Recommendation 3: Preamble (Expansion of the definition of Family)**

- 3 (1) Amend paragraph 2(a) in the Preamble and Fundamental Rights section to recognize that the family is the natural and fundamental unit in a society, as such it has inherent rights which pre-exist the State.
- (2) The family is the ideal environment for the growth and well-being of all its members and particularly children, for within this unit a child develops its identity, spiritual values and moral compass. The family is entitled to protection by society and the State to ensure an existence worthy of human dignity. The State, in its social and economic policy, shall take into account the good of the family and ensure its continued flourishing.
- (3) Gender should be defined as male and female.

**Recommendation 4: Preamble (Expansion for Protection of Water)**

Because water is a natural resource essential for life, the preservation of the water resources of Belize, surface, subterranean and of the territorial sea, is declared to be an essential element of “the unity, freedom, sovereignty and territorial integrity of Belize”.

4. Amend paragraph (e) of the Preamble and Fundamental Rights section to recognize the protection of water as being essential for life.

**Recommendation 5: Preamble (Expansion for Protection of Food Security)**

The food and energy security of the people of Belize is declared to be an essential element of “the unity, freedom, sovereignty and territorial integrity of Belize”. The natural right of the people to utilize the land and natural resources to support the self-sufficiency of their families, communities, and the nation through farming, agriculture, aquaculture, and other sustainable, productive uses of the land, waters, minerals, and other natural resources of the nation shall be preserved by law.

---

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

5. Amend paragraph (e) of the Preamble and Fundamental Rights section to recognize the protection of food security.

### **Recommendation 6: Preamble (Expansion to recognize Church-State Partnership in Education and to recognize parents'/family's choice)**

Based on the Church-State Partnership, educational institutions and activities undertaken by a church or a religious community shall enjoy full autonomy in conformity with its moral and religious teachings based on the principles of natural law, subject only to reasonable safety considerations. Educational institutions and activities undertaken by churches or religious communities perform a private function with public benefit, regardless of the source or structuring of financial support. Governmental funding for church-sponsored or religious community-sponsored educational institutions or initiatives guarantees a child's right to an education in accordance with the parents' or family's choice.

6. Amend the Preamble and Fundamental Rights section to reflect Section 11(3) that provides for autonomy of religious and educational instruction as well as amend the Preamble to reflect parental and familial choice in religious and educational instruction.

### **Recommendation 7: Preamble (Expansion to Guarantee Parental Rights)**

Guarantee the rights of the family by ensuring that parents control the education and upbringing of their children and that parents have enforceable rights to ensure the religious, cultural, linguistic, and philosophical formation of their children without interference by the State or persons acting in collaboration with State authorities. In accordance with Preamble (a), the people of Belize acknowledge that the family is the fundamental unit of our society and the primary and natural educator of minor children.

7. Amend the Preamble and Fundamental Rights section to guarantee parental rights.

### **Recommendation 8: Preamble (Expansion for Marriage)**

8. Amend the Preamble and Fundamental Rights section to recognise the right of one man and one woman to marry and found a family.

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

### **Recommendation 9: Preamble (Expansion to include Maya self-determinism)**

Maya self-determinism is recognized in treaty. It has been reflected in the Judiciary section through recognition of the Alcalde juridical and customary system of governance. For completeness, Maya self-determinism is important to be featured as an important feature for amendment to be reflected in the Preamble.

9. Amend the Preamble and Fundamental Rights section to recognise the right of the Maya indigenous peoples to self-determinism.

### **Recommendation 10: Preamble (Expansion to include assessment and register of tokenized interest)**

10. Amend the Preamble to reflect that the Government shall at the beginning of the next parliamentary term, and each parliamentary term thereafter, do an assessment and prepare a registry of the assets and wealth of the nation to be made public.

### **Catalogue of Tokenized Interest**

- (a) There shall be established and maintained a current record of all ownership, partial ownership (including tokenized interests), leases, concessions, rentals, mortgages, pledges, or any other form of encumbrance on, or relating to, the lands, fresh or salt waters, minerals, flora, fauna, atmosphere, outer space, and other natural or environmental assets of Belize, including those owned or controlled by the Government of Belize, by indigenous communities in Belize, and any interests, whether temporary or permanent arising from concessions to or claims by foreign governments, persons, or interests made by contract, treaty, or international agreement;
- (b) All records created in accordance with Section (1) shall be filed in accordance with rules and regulations approved by the National Assembly, and shall be made available to members of the public and the press in electronic form at no charge, but requests for paper or electronic media copies shall be subject to a reasonable charge set by the Registry sufficient to recover costs;
  - (i) unrecorded interests acquired after the effective date of Section (1) shall be unenforceable until recorded in accordance with law;
  - (ii) unrecorded interests acquired or held before the effective date of Section (1) shall be recorded at no cost to the owner;

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (iii) tokenized interests in or relating to land, waters, or other natural resources located in Belize shall be unenforceable and void unless recorded in accordance with Sections (1) and (2).

**Part I – THE STATE AND THE CONSTITUTION**

**Recommendation 11: Definition of State & Language**

- 11(1) An expansion to the definition at Section 1(1) as follows - “Belize shall identify as a peaceful and neutral sovereign democratic State of Central America in the Caribbean region founded on the principles of rule of law, separation of powers, and protection of rights.”
- (2) It is recommended that the language of the Constitution be simplified; plain, and gender neutral and legislative drafting language need not be used.

**Recommendation 12: Amend Section 1(1)**

There is growing awareness around the world that governments and government officials believe that they, the government, are “sovereign”, and may, under the pretext of preserving the “sovereignty, unity, and territorial integrity” of their nations, restrict the fundamental freedoms of citizens.

12. A provision be added to the appropriate part of the Constitution stating “Sovereignty lies with the citizens of Belize.”

**Recommendation 13: Ratification of International Agreements**

13. (1) Amend the Constitution to require that any law, agreement, treaty, convention, arrangement, membership or participation of Belize which cedes sovereignty to another person, nation, group of nations or international organization shall require ratification through referendum.
- (2) Parliament, Civil Society, person or entity shall reserve the power to initiate a review, in whole or in part, of any pre-existing law, agreement, treaty, convention, arrangement, membership, or participation of Belize

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

which cede sovereignty to another person, nation, group of nations, or international organization to compel its conformity with subsection (1).

- (3) Prior to the authorization of signing unto any Contracts, Treaties, Conventions, and/or Protocol there should be a proper vetting of the document by the Social Partners and Stakeholders (Representing the Voice of the People) and debated by the Senate to ensure that those agreements adhere to the ethos of the above document.
- (3) Senate to conduct public hearings on any agreement with a foreign government that could potentially impact our unity, freedom, sovereignty, and territorial integrity, there should be a mandatory, public, formal consultation between the Senate (or its committees) and interested stakeholders. Opposing and interested parties must have a full opportunity to express themselves before the Senate votes to approve signature and ratification (including adhesion or accession) of any treaty by the Government of Belize.
- (4) The Senate, having debated and by majority approved, shall have the power to make amendments to contracts, treaties, conventions and/or protocols which shall be binding.
- (5) The effect of any Amendment to a contract, treaty, convention and/or protocol is that Belize shall not sign unto any such contract, treaty, convention and/or protocol where the other party does not agree or accept amendments emanating from the Senate.

### **Recommendation 14: Amend Section 2(1)**

14. Amend the Constitution at Sections 2(1) and 2(2), after the words "other law" by adding the phrase, "treaty, convention, covenant, regional or international agreement" in both places.

### **Recommendation 15: Reaffirm and Expand Sovereignty and Territorial Integrity**

15. All authorized agents of the State are briefed on those shared values and tenets. No law, agreement, treaty, convention, arrangement, membership or participation of Belize which cede sovereignty to another person, nation, group of nations or international organization that contravene our interests should be signed.

**Recommendation 16: Amend to create subsection 2(3) and (4)**

The Belize National Curriculum Framework emphasizes the importance of relevant education to promote deep learning that meets the needs of students and national development. The new curriculum includes some constitution-related material in Belizean Studies. Incorporating the study of the Belize Constitution into the curriculum at all educational levels empowers youth with a strong understanding of their rights and responsibilities as citizens, contributing to a more cohesive and inclusive society.

Knowledge of the Belize Constitution is a prerequisite to good citizenship. The Constitution of Belize recognizes and protects fundamental rights and freedoms, ensuring the protection and dignity of all individuals within the country. Not just a lawyerly document, the Constitution is a repository of the nation’s dreams, demands, values, and aspirations. While requiring patient, learned, legal analysis and interpretation, it is also a political document in which political entities, including ordinary citizens—not just legal experts—have a stake.

If the Constitution is the foundation of our democracy, then it is our responsibility to ensure that it reflects our values and aspirations, and that we enliven it with a participatory political culture. To paraphrase Bruce Golding, we can read that we have a constitutional right to life but this does not prevent murders from being committed (*Beyond Westminster p.93*). Education on the Constitution is clearly crucial for creating participatory politics and realizing a better nation.

16. (1) Include the Constitution in the Belize National Curriculum Framework.
- (2) Add a new subsection 2(3)- “This Constitution shall be taught in all educational institutions in Belize.”



**PART II – FUNDAMENTAL RIGHTS**

**Protection of Fundamental Rights and Freedoms**

**Recommendation 17: Create and Publish a Charter of Rights.**

The PCC deliberations on the Fundamental Rights recommend that the current and future Statement of fundamental rights be condensed by the Office of the Constitution into a Charter of Fundamental Rights with explanatory notes. This Charter should be updated with the local jurisprudence and published both electronically and in print at least once every two years.

This booklet should be accompanied by companion booklets which condense the other sections of the Constitution. These booklets should be in simple language and should form a part of the curriculum in all schools.

17. Publish and make available countrywide the text of the Constitution as well as condensed versions/booklets.

**Recommendation 18: Amend Section 3**

18. Amend Section 3 of the Constitution that provides for Fundamental Rights and Freedoms to reflect the addition of new rights identified from this Report.

**Recommendation 19: Age of Consent**

Any attempt, intent, or solicitation by a person over the age of 18 years old to engage in any kind of sexual intercourse; and (2) any kind of sexual intercourse with a child (male or female) under 18 years old shall be illegal and shall be penalized in accordance with the Criminal Code or the relevant Act.

- 19 The Constitution should define a child as a person under 18 years of age.

**Recommendation 20: Amend to Remove Death Penalty**

- 20 Recommends the removal of the following phrase in Section 4(1) “save in execution of the sentence of a court in respect of a criminal offence under any law of which he has been convicted.”

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

PCC acknowledges that the jurisprudence regionally has moved away from the death penalty as a form of punishment.

### **Recommendation 21: Amend Section 5(2) to Provide for Right to Legal Aid/Representation**

21(1) PCC recommends the inclusion of a right to legal aid within 8 hours of being detained and/or arrested.

PCC recognizes the data pointing to perceived abuse by Police during times of detention for the investigation of matters.

(2) Legal Aid applies to all levels of Court as well as at Police investigation/interrogation stage. This right is especially applicable to persons detained under State of Emergency provisions.

### **Recommendation 22: Amend Section 5(5) to provide for Right to Bail**

22. The PCC recommends the re-formulation of subsection 5(5) to make bail as of right as follows:

*“(5) (1) If any person is arrested and/or detained as mentioned in subsection (3) (b) of this section, for any offence other than capital offences, he shall be afforded his right to bail on reasonable conditions except where the Court is satisfied that the interest of justice requires his pretrial detention.*

*Provided that in the case of capital offences, if any person is not tried within a reasonable time, as determined by the Chief Justice from time to time by practice directions, then without prejudice to any further proceedings that may be brought against him, he shall, unless he is released, exercise his right to bail on reasonable conditions.*

(2) *A person shall not be denied reasonable bail without just cause. Just cause shall include:*

(a) *failure to surrender,*

(b) *commit further offence(s) on bail,*

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (c) *interferes with prosecution witnesses,*
- (d) *violates conditions of his release,*
- (e) *had previous conviction for related offenses, or*
- (f) *the strength of the prosecution's evidence.*

### **Recommendation 23: Amend Section 6(2) to define “Reasonable Time”**

Strengthen the right to the Protection of the Law by allowing the Chief Justice to define a reasonable time for a person to be afforded a fair hearing by an impartial court.

23. In Section 6 (2) after the words, “*within a reasonable time,*” insert “as defined by the Chief Justice from time to time by practice directions;”

### **Recommendation 24 - Protection from Inhumane treatment**

24. Reaffirmed

### **Recommendation 25 - Protection from Slavery and Forced Labour**

25. Reaffirmed

### **Recommendation 26: Amend Repeal and Replace Section 9(1) – Expand the Right to Protection from arbitrary search or entry**

26. Insert a new Section 9(1) as follows-

“The right of the people to be secure in their persons, properties, houses, papers, phones, computers, digital records, medical records, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall be issued, but upon reasonable grounds to suspect established in court, supported by Oath or Affirmation, and particularly describing the specific reason, the place to be searched, and the persons or things to be seized.”

**Recommendation 27: Amend Section 10 (3)**

27. (1) Add a proviso to Section 10(3) – “provided that no law shall restrict the movement of Members of the National Assembly and Members of Cabinet in the execution of their duties, including going to or from meetings.”
- (2) Amend Section 10(4) to apply to restrictions made under section 10(3)(a) and 10(3)(b).
- (3) Amend Section 10(4) and 10(5) by removing the reference to a tribunal and replacing it with a Judge of the High Court (sitting as a Constitutional Court).
- (4) Insert new Section 10(6):
- “Any person found to be detained and his freedom of movement restricted unreasonably shall be awarded compensation and such claim shall be expedited judiciously.”

**Recommendation 28: Expand Section 11**

Strengthen and Expand the Protection of freedom of conscience by defining freedom of conscience to include cultural identity and language as follows:

28. The interpretation of freedom of conscience shall include:
- “The personal freedom to:
- (i) Adopt, change, or promote and/or preserve one’s cultural identity, language, and beliefs (religious or spiritual);
  - (ii) manifest and propagate one’s belief in teaching, practice and observance;
  - (iii) act in accordance with the dictates of one’s conscience; and,
  - (iv) not be compelled to violate one’s conscience or be subject to infringement of one’s conscience.

**Recommendation 29: Strengthen the Right to Religious Freedom**

- 29(1) Repeal and replace Section 11(5) as follows –
- (a) related to defence, public safety, public order, public health, or education; and,

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (b) to protect the rights of other persons to observe and practise any religion without the unsolicited intervention of members of any other religion; or,
  - (c) to regulate educational institutions to ensure the safety of those enrolled, provided the law/government uses the least restrictive means to further the compelling governmental interest in question.
- (2) Add a new subsection 11(7) to clarify the interpretation of freedom of religion –
- “Freedom of religion includes the personal freedom to adopt and to change his religion, the freedom to worship either alone or in community with others, in public, private, or in places of worship, and the freedom to manifest and propagate his religion in teaching, practice and observance. No person shall be obliged to act against his own conscience or religious beliefs. Government discrimination based on religion or religious belief shall be prohibited.”
- (3) Add a new subsection 11(8) to permit –
- “Churches and religious organizations have the religious freedom to require employees to respect the church or religious organization’s religious precepts, moral obligations, or religious mission or persons who share the same Christian (or other faith based) religious or moral beliefs. Each Church, religious community, and religious organization has the autonomy to determine its own goals and organizational structure, human resource and function, including external operations related to its mission and beliefs, according to its religious beliefs.”

### **Recommendation 30 - Freedom of Expression**

30. Reaffirmed.

### **Recommendation 31: Strengthen Freedom of Assembly**

- 31(1) In Section 13(1) replace the phrase “freedom of assembly and association” with the phrase “freedom of assembly, association, and the effective recognition of the right to collective bargaining.”

### **Recommendation 32: Expansion of Right to Privacy**

- 32(1) Add a new Section 14(3) to clarify that right to privacy includes the privacy of the individual, the family and the home:

“Privacy of the Family and the Home

A person shall not be subjected to arbitrary or unlawful interference with his privacy, family, home or communications, correspondence and data, nor to unlawful attacks on his honour and reputation. Every person's private and family life, home, and personal communications, correspondence, and data shall be respected.”

**Recommendation 33: Protection of Right to Work.**

- 33(1) Add a proviso to Section 15(1) to clarify that the right to work includes –
- (a) the unfettered right to work;
  - (b) the right to work in a safe and healthy environment; and,
  - (c) the right to strike.
- (2) Add a proviso to Section 15 (1) to clarify that the right to work includes the right to enter into contracts in accordance with principles of fair competition.

**Recommendation 34: Protection from discrimination**

34. The discrimination provisions in the Constiution need to be deliberated further by the Government.

**Recommendation 35: Strengthen the Protection from deprivation of property.**

- 35(1) Replace in Section 17 (1) (a) - “within a reasonable time” with “before or within a year of acquisition; and”
- (2) Add a proviso to 17(1) which will limit compensation to the amount payable by the State in cases where the land was acquired post-Independence to the value assessed for Stamp Duty paid to government at the time of the acquisition by the current owner adjusted for the inflation rate plus development made to the land.
  - (3) Add in section 17 (2) (a) “and such deduction for tax, rate or due shall be deducted from the sale at market value at the time of acquisition and the balance returned to the former owner of the property acquired.”

- (4) Clarify that income tax refunds not being paid within a year is deprivation of property.

**Recommendation 36: Recognition and Protection of Collective Property Rights and Assessment of Collective Property Rights**

36(1) There shall be constitutional recognition of collective property rights.

- (2) Collective property rights shall conform to assessment that aligns with the customary practice of valuation.

**Recommendation 37: Create a Sovereign Wealth Fund**

37. Add a new Section 17(5) to create a Sovereign Wealth Fund to be derived from the nation's oil gas and mineral resources to provide for education, housing, health, and social safety net to those with the greatest need first and then to citizens' needs at large regardless of race, colour, ethnicity, creed, disability, or sex.

**Recommendation 38: Establish a Right to Human Dignity**

38. Add a fundamental right to human dignity that is inviolable. It must be respected and protected.

**Recommendation 39: Establish a Right to Free Education for Preschool, Primary and Secondary**

Because of the right to human dignity recommended in Recommendation 38, above, it lends itself to an inalienable human right to an education oriented toward any purpose and holistic development.

39(1) Add a new fundamental right to free preschool, primary and secondary education regardless of race, colour, ethnicity, creed, disability, or sex. The government shall ensure that all citizens enjoy equal access to all education.

- (2) In order to ensure that all citizens enjoy equal access to primary and secondary education, the government shall fund the education of minors who are citizens. Parents have the primary right and solemn duty to direct the education and upbringing of their child, including spiritual, moral, intellectual, and human formation. The parents' right to direct the education of their child is prior to the

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

State. The State has the duty to promote the common good and the welfare of its citizens. Consequently, the State has an interest in promoting the education of its citizens, particularly to ensure literacy and education in civic responsibility.

### **Recommendation 40: Funding Free Education**

40(1) Further, the government shall fund the education, consistent with Recommendation 39 (1) above, of all minors by providing an educational grant directly to the parents or guardians of the child for use in securing the educational option selected by the Parents (or guardians) as the most appropriate option for their child.

Option 1: Parents or guardians would be provided a voucher, whose value can only be cashed by the Institution giving the right to choose educational options.

Option 2: The Government shall provide institutional grants or funding directly to private denominational educational institutions to establish or support the educational mission and operations of those educational institutions.

Provided always that the free education applies to citizens of Belize only.

(2) Funding for preschool, primary and secondary students will be afforded a meal, while maintaining their human dignity.

### **Recommendation 41: Establish a Right of Access to Tertiary Education**

41 (1) The government shall take further action to promote tertiary education, through the establishment of an interest free loan for the areas of national development.

(2) The government will formulate a programme where students will be bonded in exchange for the loans to be converted to a grant.

### **Recommendation 42: Establish Rights of Denominational Schools**

42(1) Religious institutions have an inherent right, prior to the State, to establish and operate private educational institutions that reflect their religious identity and carry out their religious mission. The following provision should be inserted:



## PEOPLE’S CONSTITUTION COMMISSION RECOMMENDATIONS

---

“The Government may not infringe upon the religious freedom of religiously affiliated educational institutions to teach and function in accord with their religious teachings, beliefs, and mission, with the exception of requirements necessary to ensure financial integrity, safety, and public health to ensure compliance with building codes, employee and student safety, e.g. criminal background checks, etc., or protocols to prevent transmission of infectious diseases”

- (2) Religious Educational institutions retain their autonomy in the mission and management of their educational institutions [including staff hiring and religious curriculum selection], regardless of whether or not the institution currently receives or has received government funding.

### **Recommendation 43: Recognize the Right of Private Educational Institutions**

- 43 There shall be a constitutional recognition and protection of the right of private educational institutions to establish, operate, and dispense with educational instruction.

Provided always that such establishment, operation, and dispensation shall be subject to government requirements to ensure financial integrity, safety, and public health.

### **Recommendation 44: Recognize the Right to Protection of Personal Data**

- 44 Add a fundamental right to protect the personal data which acknowledges that:
  - (1) a person has a property interest in all data he or she generates and, in all data, describing him or her by whomever gathered,
  - (2) associations of persons, including those organized for business or profit, have the same property interests as individuals in the data they generate,
  - (3) freedom of conscience, expression, assembly, and association are protected in both physical and virtual spaces,
  - (4) neither the Government nor any person or business entity may extract and sell the value of a person’s data without that person’s consent and just compensation at fair market value,
  - (5) except by his own consent clearly expressed in writing no person shall be subjected to surveillance by the State or by any private entity for any profit-making enterprise without full disclosure of the terms, conditions, and duration of any such surveillance and payment to that person of the fair

market value of any data gathered or sold. A person may apply to the courts for appropriate remedies at law for the taking or occupation of property or in equity for the prevention of unconsented use or profit.

**Recommendation 45: Establish a Data Management Authority**

- 45(1). Establish an independent authority to manage and permit the right of access to one's data and to establish and ensure compliance with laws, regulations and rules related to data.
- (2). Right of Access: Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified pursuant to the provisions of the Defamation Act.
- (a) Interference by the State, its agents or contractors: A person shall not be subjected to arbitrary or unlawful interference by the Government with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
- (b) The private and family life, the home and the personal correspondence of every person shall be respected by private persons, businesses or other entities:
- (c) This section applies to electronic or any other forms of surveillance of a person, his family, home, or correspondence. A person may enforce the protections afforded by this section by private action in the law courts against any person, business, or State entity. As used in this section, "arbitrary or unlawful interference" means surveillance without specific, informed consent to the surveillance in accordance with Section 11.

**Recommendation 46: Establish and Secure the Freedom of the Press**

- 46 The PCC recommends the addition of an expressed provision for freedom of the press.

**Freedom of the Press**

1. There shall be a free and independent media.
2. The freedom referred to in subsection (1) may include—

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (a) *the right of natural or juristic persons to own and operate media;*
- (b) *the freedom of the media to gather, process and transmit news and information without any interference, directly or indirectly;*
- (c) *protection from control or censorship of news by any person or authority prior to publication; and*
- (d) *protection from the disclosure of sources of information.*

### **Recommendation 47: Establish a Right to Information**

47. The PCC recommends the addition of a new right to information. The formulation below should be considered:

#### **Access to information**

1. Every citizen has a right of access to information held by–
  - (a) A public body;
  - (b) a relevant private body performing or having direct or indirect bearing in the execution of a public function; and
  - (c) another person and required for the exercise or protection of any fundamental right or freedom.
2. The State shall publish and publicize any important information affecting the nation.

**Recommendation 48: Right to Disclosure/ Information of Beneficial Ownership**

- 48(1) Establish a Right to Full Disclosure and information, which includes beneficial ownership, of all public spending, contracts, purchases made by Government bodies, agencies or publicly owned companies or services provided by Government within 30 days of occurring.
- (2) There shall be disclosure of any and or all gifts and services received by any elected or appointed Public Servant, public or entity, or institution.

**Recommendation 49: Establish a Right to Access Quality Healthcare**

49. The PCC makes the following recommendations for update and improvement of the Constitution in respect of the Right to Health:

*Right to Health*

- (1) Acknowledging the duty of the State to ensure health as a common good, we recommend enshrining the right to health in Part II, Section 3 of the Constitution to be amended to include the following subsection (e) inserting:

*“(e) The State shall invest in creating the conditions that protect the citizens’ right to health.”*

Given this comprehensive understanding of health, the State has an obligation to ensure that all citizens have access to and coverage to quality, affordable healthcare that meets the priority needs of the population without discrimination. This obligation includes ensuring that the spectrum of care encompasses promotion, prevention, curative, and palliative care which includes (but is not limited to) reproductive health, maternal and child health, communicable and non-communicable disease, and geriatric healthcare. Investing in health is synonymous with investing in the development of the nation and the people of Belize. The benefits of such investments should reach the majority of the population in an effective, efficient, equitable and sustainable manner.

The right to health demands that health is available, accessible, acceptable and of quality. Health as a common good shall be universal, available in sufficient quantity, physically, geographically and economically accessible on a non-discriminatory basis; acceptable in the sense that it is respectful of medical ethics and patient confidentiality, culturally appropriate and sensitive to gender,

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

age, disability, and life cycle requirements; and of good quality meaning evidence-based, scientifically and medically appropriate, and up to date.

Affirming the dignity of the human person and respecting the principles of social justice as outlined in the preambular imperative (clause b), the State must implement the Right to Health without discrimination on the basis of equality. By adhering to these principles, the State shall ensure that the right to health is upheld for all citizens, providing a foundation for a healthier and more equitable society.

### *Right to Health Education and Research*

- (2) (a) The State shall prioritize health education as a fundamental component of the national education system.
- (b) The State shall establish, maintain, and properly resource educational institutions, including the University of Belize, to offer programmes that train healthcare professionals, including doctors, nurses, and public health specialists, in accordance with national needs.
- (c) The State shall support research and development in the field of health, including the collection, analysis, and dissemination of health data.
- (d) The State shall promote the development and dissemination of health education materials, resources, and programmes for both children and adults.

### *Public Health Measure*

- (3) (a) The State shall take appropriate measures to prevent and control diseases, promote sanitation, and protect the public health.
- (b) The State shall establish and maintain a comprehensive public health infrastructure, including surveillance systems, epidemiological research, and emergency response capabilities.
- (c) Safeguards shall be established to prevent the abuse of "State of Emergency" mechanisms; the conditions that enable the suspension of constitutional rights for reasons of public health crises will be reviewed.

*Public Research and Data Services*

- (4) The State shall support the national-integrated, health information network facilitating data and information exchange in a secure environment powered by health information technology.

**Recommendation 50: Establishment of National Health Insurance**

- 50(1) All Belizean citizens and residents shall be entitled to publicly-financed health care, accessed through the National Health Insurance of Belize in urban and rural areas equally. The National Health Insurance is provided through a network of high-quality healthcare providers.

**Establishment of a Statutory Body to administer the NHI and ensure accountability and transparency**

- (2) The National Health Insurance shall be administered through a Statutory Body, made up of Healthcare Professionals, Government Representatives, and Social Partners.
- (3) Supplemental health insurance, provided mainly by private employers, offers expanded access to private healthcare providers. Cost-sharing through the corporate/private sector creates a safety net for employees and their families. Such a benefit should be provided a tax exemption to ensure more citizens' access to secondary and tertiary care. The benefit would produce a healthier society, workforce and therefore an opportunity for greater national development.

**National Insurance Identification Card**

- (4) All citizens will be provided a Belizean National Identification document at birth which is issued by an official authority to ensure authenticity and establish citizenship.

**Establishment of a Procurement Board for medical equipment and pharmaceuticals.**

- (5) (a) The procurement of medical equipment and pharmaceuticals shall be managed by a board consisting of government, social partners, and health professionals.
- (b) The remit of the board would be to ensure **quality** (efficacy and standards) of the equipment and pharmaceuticals obtained, **transparency** (including the full disclosure of tendering processes, costings), and **accountability** (including regular publication of reports, tests of credibility, and effectiveness).

**Recommendation 51: Establishment of the Right to Environmental Protection**

- 51(1) (a) In the interests of the People of Belize, we propose the protection and maintenance of the productivity and diversity of the nation's natural environment and resources over the long-term for the health and sustainable development of Belize.
- (b) The government to seek legal or equitable relief for pollution of the environment. The law shall provide that individuals and communities have a concurrent right to seek damages or equitable relief from pollution of the air, surface or subterranean waters, the land, sea, and other natural resources, and shall, by law, provide for the measure of damages and other relief available;
- (c) The rights of individuals and communities, corporations to seek damages for unlawful diversion or exploitation (and/or attempt thereof) of the air, surface or subterranean waters, the land, sea, energy, forest or woodlands, natural flora and fauna on the land or in the fresh or salt waters, and other natural resources;
- (d) no indemnification for corporations, foreign or domestic, in the event of an environmental catastrophe;

Laws must be enacted to give effect to the recommendation.

- (2) The unity, freedom, sovereignty and territorial integrity of Belize shall be preserved against efforts by persons or organizations, whether controlled by citizens of Belize or by foreign persons, interests or international organizations, to exert control, dominion, or influence over the preservation or maintenance of

the environment or natural resources of Belize in a manner inconsistent with the rights enumerated in this Constitution or procedures established by law.

**Recommendation 52: Establishment of Parental Rights**

- 52 (1) Parents and legal guardians have the inalienable right and duty to provide, according to their means and with the support of the State, for the religious and moral, intellectual, physical, cultural, and social education of their children.
- (2) Parents and legal guardians have the inalienable right to control and direct the upbringing of their children, including the discretion to make decisions concerning the education and health care of their children, to be informed about the content and perspective of the educational programmes in which their children are enrolled, and, where feasible, to observe classes and school activities. The government shall not infringe upon or interfere with the exercise of these rights unless it bears the burden of proving neglect or abandonment in accordance with law.
- (3) In the exercise of any function that the State chooses to assume in relation to education and teaching, it shall respect the right of parents and legal guardians to ensure that the educational programmes they choose for their children respect their moral, religious, intellectual, cultural, linguistic, and philosophical convictions.



## **EMERGENCY POWERS**

### **Recommendation 53: Amend to expand and make provision for Public Emergency**

- 53 (1) Remove the term “outbreak of infectious disease” from Section 18(3)(a)
- (2) Add the term “prevention of outbreak of infectious diseases” in Section 18(3)(b).

### **Recommendation 54: Amend the triggers for Public Emergency**

- 54(1) The trigger mechanisms for Section 18(3)(a) are sufficient and should be left alone.
- (2) That Section 18 (3) should be amended to:
- (a) Strengthen/raise the trigger mechanism for public emergency; and,
  - (b) Include a proviso that precludes the State from relying on the occurrence of offences in domestic legislation in and of itself to justify imposition of states of emergencies.
- (3) That the trigger mechanisms for Section 18(3)(b) should be amended to provide that Cabinet/Minister/Body must apply to the High Court to a Judge in chambers for an Order that the State/Body/etc. has satisfied the conditions that a state of emergency does exist which triggers the imposition of a state of emergency.

The Court should have regard to and assess Section 18(9)(a)(b)(c) when granting such an order.

- (4) That Section 18 (5) should be amended to:
- Limit the time of a proclamation made by the head of the executive to be in place for 14 days unless extended by the National Assembly in cases of proclamations made under Section 18(3) (b).
- (5) That Section 19 (1)(c) should be amended to:
- Remove the requirement to establish a tribunal and replace this function to a Judge of the Court established to deal with Constitutional Matters.

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

The Commission finds that those recommendations are sufficient to both hold government accountable and ensure that the imposition of public emergencies are a-politicized and determined independently.

### **Recommendation 55: Amend to remove Governor General's Powers**

- 55     Replace the Governor General's functions in Emergency Powers with the Prime Minister and the National Assembly.

### **Recommendation 56: Amendment for Removal of Her Majesty in Council**

- 56     That Section 22 (1) in the definition of "court" should be amended to remove the reference to Her Majesty in Council.

### **PART III – CITIZENSHIP**

#### **Recommendation 57: Amend Criteria for Citizenship by Marriage**

57 That a time (at least 5 years) be attached as a requirement to persons seeking registration for citizenship through marriage.

“26 (1) The following persons may upon making application at any time after 21<sup>st</sup> day of September, 1981, be registered as citizens of Belize –

*(a) any person who is married to a citizen of Belize for a minimum of five years;”*

#### **Recommendation 58: Testing Requirement for Citizenship**

58 That testing be added to the acquisition of citizenship requirements. The test shall include Civics and English. This provision is especially important where Ministerial discretion is used to grant citizenship to children born to Belizean parents in countries which do not recognize the independence, sovereignty or territorial integrity of Belize.

“29 (3) *“No person shall be entitled under the provisions of this part to be a citizen of Belize or be granted citizenship of Belize if such person shows any allegiance to or is a citizen of a country which does not recognize the independence, sovereignty or territorial integrity of Belize;”*

*Provided that the Minister may in his discretion grant Belizean citizenship to persons falling under this subsection who would otherwise be entitled to such citizenship under the provisions of Sections 23 and 25 of this Constitution.”*

#### **Recommendation 59: Amend to Limit Citizenship of Economic Citizens**

59 That Section 25 of the Constitution be amended by adding a proviso to reflect that descendants and spouses of Economic Citizens do not qualify for Belizean Citizenship.

*“The Economic Citizenship (Abolition of Rights) Act (2023) (ECA) reads that children and spouses of individuals who received their*

---

## PEOPLE’S CONSTITUTION COMMISSION RECOMMENDATIONS

---

*Belizean Nationality through Economic means do not qualify to attain citizenship by registration.”*

This Commission finds that this Act currently highlights a discrepancy between Sections 25 and 28 of the Constitution. Children of Economic Citizens born outside of Belize are entitled under Section 25 to be citizens of Belize. The Thematic Committee finds that the ECA is inconsistent with this provision and that the National Assembly was not empowered to make such a determination.

### **Recommendation 60: Amend to Equalize Citizenship Rights between men and women**

60. That Section 23(5) have the word “woman” substituted with the word “person” so that the provisions apply equally to men and women prior to 21<sup>st</sup> September 1981.

**Part IV – THE GOVERNOR GENERAL**

**Recommendation 61: Amend to Abolish the Office of the Governor General**

60 The PCC recommends that the Office of the Governor General be abolished by repealing Part IV.

**Recommendation 62: Repeal and Replace Part IV with the Establishment of the Office of the Constitution.**

61 (1) “There shall be an Office of the Constitution which shall be comprised of five members, all of whom shall be natural born Belizeans and be of 35 years or older at the time of appointment; one nominated by the Prime Minister, one by the majority of the House of Representative, one by the majority of the Senate, one by the majority of magistrates and judges, and one by the majority of elected local government representatives who form the City Councils and Town Councils, Village Councils, and Alcaldes.”

*Functions of the office*

(2) The Office of the Constitution shall have the following functions:

- (a) The education of the citizenry on the Constitution and the process of governance. This includes ensuring that the curriculum of primary, secondary and tertiary schools carry the materials and instruction as well as that there is continuous communication with the public on topics concerning the Constitution;
- (b) Constitution drafting jurisdiction by (1) adjudicating issues arising in the constitution making process (2) initiating or requiring legislation that give life to the Constitution, (3) reviewing the constitutionality of laws in advance of legislation (*ante factum*), (4) reviewing the constitutionality of constitutional amendments;
- (c) Reviewing proposals, treaties, regional and international membership to foreign bodies, and report its findings to the Senate;
- (d) Adjudicate the proceeding of referenda on national and local matters, including the wording, plebiscite process and the declaration of the results.
- (e) Supervising the administration and ensuring the proper functioning of all Commissions, Agencies, Statutory Bodies and all government related

PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

bodies, requiring of them whatever is necessary to comply with the Constitution.

**Part V – THE EXECUTIVE**

**Recommendation 63: Establishment of the Executive authority**

- 63(1) Repeal Section 36(1) and replace with “The executive authority of Belize is vested in the Prime Minister who is Head of State and Head of Government who chooses twelve Ministers who shall form the Cabinet.”
- (2) Repeal Section 36(2) and replace with “Subject to the provisions of this Constitution, the executive authority of Belize may be exercised on behalf of the People of Belize either directly or through the Prime Minister, Deputy Prime Minister, Ministers, Deputy Ministers, or officers subordinate to the Prime Minister.
- (3) Repeal Section 36 (3).
- (4) Repeal Sections 37 - 49.

**Recommendation 64: Establish the Direct Election of the Prime Minister**

- 64 (1) The Prime Minister shall be elected by direct vote every four years on the same date, the last Wednesday of November, and assumes office January 2 of the subsequent year.
- (2) The Executive Branch shall include the following functions and powers:
- (a) The Prime Minister acts as the Head of State and the Commander in Chief of all the armed forces whose officers he shall commission. He is responsible for implementing and enforcing the laws passed by the National Assembly. Before the execution of his Office, he shall take the following Oath or Affirmation as prescribed by schedule X:--“I do solemnly swear (or affirm) that I will faithfully execute the Office of the Prime Minister of Belize, and will to the best of my ability, preserve, protect, and defend Belize and the Constitution of Belize.”
- (b) The Prime Minister shall nominate, subject to the approval of the Senate by simple majority, all Ministers, Attorney General, Deputy Ministers, Chairmen of Government Statutory Boards, Chairmen of Commissions, Heads of Departments, Governor of the Central Bank, Judges, Magistrates, Ambassadors, and other Officials who are vetted and approved by the majority in the

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

Senate of the National Assembly. No person appointed by the Prime Minister shall be a member of the National Assembly.

- (c) The Prime Minister shall receive Head of States, Ambassadors and other public ministers and he shall have power, subject to the approval of the Senate, to make treaties, covenants, conventions, agreements, protocols, regional and international organizations provided two thirds of the Senators present concur and approve such agreements.
- (d) The Office of the Prime Minister shall consist of his Chief of Staff, the immediate staff, the Office of Finance, Management and Budget and the Office of Trade. He shall provide a budget for the approval by the National Assembly and each Minister shall provide a full report on all activities of their ministries to the National Assembly at the end of every fiscal year.
- (e) The Prime Minister may issue executive orders, which direct executive offices or clarify regulations, statutory instruments, subject to the approval of the National Assembly, to further existing laws.
- (f) He shall sign bills passed in the National Assembly into Law as an Act or he can let the Bill lie for ten days then it becomes law or he can veto the bill and send it back to the National Assembly which requires a vote of two thirds majority to pass and become law.

### **Recommendation 65: Qualification and Disqualification of Prime Minister and Deputy Prime Minister**

- 65 No person shall be qualified to be elected, or continue to be elected, as Prime Minister or Deputy Prime Minister who-
- (a) is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a foreign power, State, international organization or community;
  - (b) has dual nationality or possesses more than one passport of different States;
  - (c) is an undischarged bankrupt, having been adjudged or otherwise declared bankrupt under any law in force in any part of the world;



## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (d) has served a sentence of one year or more in prison in any part of the world;
- (e) is serving in the National Assembly or as an officer involved in the conduct of elections;
- (f) has served in any of the armed forces of Belize ten years immediately before his nomination or to any class of person that is comprised in any such force; or
- (g) has served in any security or law enforcement body ten years immediately before his nomination;
- (h) is a party to, or a partner in a firm or a director or manager of a company which is a party to any contract with the Government for or on account of the public service;
- (i) has not declared publicly and in a newspaper circulating a notice nationwide setting out the nature of the contract held by members of his immediate family with the Government of Belize or the interest of any such firm or company therein;
- (j) has been impeached subject to impeachment proceedings

### **Recommendation 66: Impeachment**

66 There shall be a mechanism for impeachment established for all elected and appointed officials, all civil servants and Heads of Departments, and contract officers.

### **Recommendation 67: Establish the Office of the Deputy Prime Minister, Performance, and Functions**

67(1) The Deputy Prime Minister is a part of the Executive Branch, and he stands ready to assume the Prime Minister's role should the need arise. He is a part of the Cabinet. Whenever the Prime Minister is absent from Belize, or is by reason of illness unable to perform the functions conferred on him in accordance with this Constitution, those functions (other than the functions conferred by this Section) shall be performed: by the Deputy Prime Minister

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

or in the absence of the Deputy Prime Minister, by such other Minister as the House of Representative may authorize for that purpose.

- (2) The Deputy Prime Minister serves as the President of the Senate, where he attends official ceremonies and where he needs to cast the deciding vote in the case of a tie.
- (3) In the case of the removal of the Prime Minister from Office, or his death, resignation, or inability to discharge the Powers and Duties of said Office, the same shall devolve on the Deputy Prime Minister. In the case of the removal of the Prime Minister and the Deputy Prime Minister, the National Assembly may by law provide which Officer shall then act as Prime Minister, until the disability be removed, or a Prime Minister or Deputy Prime Minister be elected. The Deputy Prime Minister shall hold the office for the remainder of his term. Any other so appointed by the National Assembly shall perform the duties of Prime Minister for a period not exceeding six months, during which time an election for that office shall be called.

### **Recommendation 68: Establishment of Cabinet**

- 68(1) The Prime Minister shall appoint persons from the private or public sector to become members of the Cabinet. Upon such appointment the members shall be named and referred to as Cabinet Ministers. No Cabinet Minister is eligible to be a member of the National Assembly.
- (2) The Cabinet is the advisory and decision making body made up of the twelve Ministers, regardless of the number of Ministries, which includes the Attorney General, all of whom are born Belizeans and have lived five years in Belize prior to their nomination.
- (3) They also form part of the succession, after the Deputy Prime Minister, Speaker of the House, the Senate President pro tempore.

### **Recommendation 69: Establishment of Allocation of Portfolios to Cabinet Ministers**

- 69(1) Subject to the approval of the Senate, all Cabinet Ministers shall have technical expertise, educational and working knowledge of the portfolio so given. Such appointments shall be vetted in the Senate and approved by the majority vote.
- (2) The core ministries shall be:

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- i. Agriculture and Food Security,
- ii. Tourism, Commerce and Industry,
- iii. Defence,
- iv. Education, Youth and Sports,
- v. Energy,
- vi. Health and Human Services,
- vii. Immigration, Home Affairs and Border Management,
- viii. Housing,
- ix. Civil Aviation, Transportation and Urban and Rural Development,
- x. Justice,
- xi. Labour and Public Service,
- xii. Foreign Affairs and Foreign Trade,
- xiii. Finance, Budget Management and The Treasury.

There remains a discretion to expand the number of and type of Ministries.

### **Recommendation 70: Establish the Office of the Attorney General.**

- 70(1) The Attorney General, a natural born Belizean shall be the principal legal adviser to the Government. He shall be a Minister in Cabinet with the responsibility for the legal affairs of Belize, Ministry of Justice.
- (2) No person shall be qualified to hold the office of Attorney General unless he is a person who has post qualification experience for at least ten years been entitled to practice as an Attorney-at-Law in a court in Belize.
  - (3) Section 42 (5) of the Constitution is preserved save for replacing the reference to the "Crown" to the "State."

### **Recommendation 71: Provisions for Performance due to Absence or Illness**

- 71 The Prime Minister may appoint another Cabinet Minister as an alternate Cabinet Minister where the substantive Minister-

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (a) is absent outside the jurisdiction;
- (b) has been given leave by the Prime Minister;
- (c) is not performing the functions of his office;
- (d) by reason of illness or infirmity is unable to perform.

### **Recommendation 72: Role of Deputy Ministers**

- 72 The Deputy Ministers (Minister of State) shall assist Ministers in their duties and the Prime Minister shall, subject to the approval of the Senate, appoint the Deputy Ministers.

### **Recommendation 73: Oath of Ministers**

- 73 Before the execution of his Office, a Minister shall swear an oath or affirmation as provided in the Third Schedule to the Constitution.

### **Recommendation 74: Establishment of Offices of Majority and Minority Leaders**

- 74 In both Chambers in the National Assembly there shall be a Majority leader, who commands majority support in each chamber; and a Minority leader, who commands majority support of the Opposition Parties.

### **Recommendation 75: Repeal Section 48**

75. Section 48 should be repealed.

### **Recommendation 76: Establishment of Office of Secretary to the Cabinet**

- 76(1) The Secretary to the Cabinet whose office shall be a public office shall be head of the Office of Cabinet Affairs within the Office of the Prime Minister.
- (2) He shall be responsible, in accordance with such instructions as may be given to him by the Prime Minister, for arranging the business for, and for keeping the minutes of, the Cabinet and for conveying the decisions made to the appropriate

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

person or authority and shall have such other functions as the Prime Minister may direct.

### **Recommendation 77: Amend Section 49 (Control of Public Prosecutions)**

77 Repeal the reference to Her Majesty in Council from 49(5).

### **Recommendation 78: Establishment of the Executive Office of the Prime Minister**

- 78(1) The Prime Minister shall determine the portfolios of no more than twelve Ministers and Deputy Ministers and may constitute offices for Belize, make appointments to such offices, and terminate such appointments other than those that require the consent of the Senate.
- (2) The Office of the Prime Minister shall include the Chief of Staff who coordinates the Prime Minister's legislative agenda and goals, his legal counsel, his key advisors, his press secretary and other support staff and personnel.
  - (3) The National Security Council shall direct domestic, foreign and military affairs and policies and shall be composed of the Prime Minister, Deputy Prime Minister, Minister of Defence, Minister of Home Affairs, and the Minister of Foreign Affairs and Foreign Trade.
  - (4) The Council of Economic Advisors shall be made of seven members nominated by the Prime Minister subject to the approval of the Senate, who shall advise the Prime Minister on matters of economic policy, both domestic and foreign.
  - (5) The Office of Management and Budget shall prepare the national budget for submission to the National Assembly and is involved in drafting the Prime Minister's legislative programmes dealing with the budget and appropriations.

### **Recommendation 79: Establishment of the Prerogative of Mercy**

79(1) The Prerogative of Mercy to be exercised by the Prime Minister as Head of State.

- (a) "The Prime Minister may:-

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- i. grant a pardon, either free or subject to lawful conditions, to any person convicted of any offence;
  - ii. grant to any person a respite, either indefinite or for a specified period, of the execution of any punishment imposed on that person for any offence;
  - iii. substitute a less severe form of punishment for any punishment imposed on any person for any offence; or
  - iv. remit the whole or any part of any punishment imposed on any person for any offence or of any penalty or forfeiture otherwise due to the State on account of any offence.
- (b) The powers of the Prime Minister under this Section shall be exercised by him in accordance with the advice of the Belize Advisory Council.”

### **Recommendation 80: Amend Belize Advisory Council**

- 80(1) There shall be a Belize Advisory Council (hereinafter referred to as “the Council”) which shall consist of the members specified in subsection (2).
- (2) The Council shall consist of natural born citizens of Belize and shall serve for five years-
- (a) two senior members, who shall be persons of integrity and high national standing, appointed by the Prime Minister, one of whom shall preside as the Chairman and has legal background training and ten years of experience, in his absence, the other presides; and
  - (b) two senior members, who shall be persons of integrity and high national standing, appointed, one by the House of Representatives, and one by the Senate, chosen by the Majority leaders of the Chambers of the National Assembly.
  - (c) three other members, who shall be persons of integrity and high national standing, appointed by the three Civil Society, acting in accordance with the appointer’s agreement or rotation by the Church, Labour, and Business. Those nominations shall rotate among the members of each group.
  - (d) The quorum shall be five members and the decision shall be by a majority of votes of those members of the Council present and voting;

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (e) In the event that votes are equally divided on any matter, the Chairman or senior member presiding shall have a second vote in addition to his original vote.
  - (3) The Council may make regulations for regulating and facilitating the performance of its function under this Constitution or any other law.
  - (4) Subject to the provisions of this Section, the Council may regulate its own procedure.
    - (a) The question of whether or not the Council has validly performed any functions conferred or imposed on it by this Constitution or any other law shall not be enquired into in any court of law.
    - (b) Within three months after the end of each year, the Council shall prepare and submit to the Prime Minister, a report dealing generally with its proceedings and activities in the preceding year, and the Prime Minister shall, within two months of receiving the report, cause a copy of the report to be tabled in the National Assembly.
  - (5) Removal from office must only be on one of the following grounds -
    - (a) The person no longer meets any one of the criteria for membership to the Council,
    - (b) Absence from 3 consecutive meetings of the Council with or without excuse,
    - (c) Breach of the Code of Conduct
    - (d) Mental incapacity (from illness, injury, or otherwise) certified by a Medical Examination Board comprising of not less than three medical officers appointed by the Director of Health Services from among the medical officers of the Ministry responsible for Health or private licensed medical practitioners in Belize, having technical or special knowledge necessary for the purpose of conducting the medical examination, protracted illness certified by the Medical Examination Board. A protracted illness should be an illness that is (a) prolonged due to the nature of the illness; or (b) the complication of the illness, such as one disease or the emergence of another that is the effect of the illness. Should a question arise whether an illness is protracted, the question should be determined by the Medical Examination Board
  - (6) Functions of the Belize Advisory Council shall be to:
-

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

1. advise on appointment of temporary Senators;
  2. advise on the removal of members of the Institute of Electoral Affairs, Security Services Commission;
  3. advise on disciplinary matters, appeals, promotions, and any other matters from –
    - a. the Public Services Commission,
    - b. Judicial and Legal Services Commission,
    - c. the Director of Public Prosecution,
    - d. the Auditor General,
    - e. Justices of the Court of Appeal and High Court;
    - f. Security Services Commission
  4. Other functions conferred under any other law or the functions of the Council remain the same except for:
    1. advising on the appointment of temporary Senators in the case of Senators nominated by the social partners (or exclude the appointment of the temporary Senators from the functions of the Council and include the additional new functions)
- (7) The Prime Minister must always act on the advice of the Council. It must not be at the discretion of the Prime Minister whether to act on the advice of the Council. All appeal decisions of Council must be binding and final (i.e. appeals in disciplinary cases, appeals against actions or decisions of the Commissions that violate the rules and regulations, including but not limited to appeals against appointment and confirmation decisions, and appeals from removal of office of Magistrate). However, judicial review by the Courts of the acts or decisions of the Council must not be restricted.
- (8) The Constitution must set out the basic processes and procedures governing the functioning of the Council, and must not only provide that the Council may adopt rules but provide that the Council must adopt rules on certain matters at a minimum. All rules adopted by the Council must be subject to negative resolution by the National Assembly. Rules must be reviewed at least every 7 years.
- (9) The budget for the Belize Advisory Council must be given the status of first priority call on the Consolidated Revenue Fund.



## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (10) The Belize Advisory Council must publish annual reports that describe the activities of the Council for the year with the costs of its activities for the year. The reports must be made public.
- (11) The functions of the Council remain the same: including advising on the exercise of the prerogative of mercy.

**Part VI – THE LEGISLATURE  
(The First Branch)**

**Recommendation 81: Expand Section 55**

“55. (1) There shall be in and for Belize a Legislature which shall consist of a National Assembly comprising two Houses, a House of Representatives and a Senate.”

And to include:

*(2) The members in the Legislature who are elected shall be named and referred to as Members of Parliament (MP).*

*(a) A Member of Parliament shall operate and conduct the business of the electoral division from a constituency office.*

*(b) A Member of Parliament shall be present to conduct constituency affairs every day from Monday to Friday 8:00 a.m. to 4:00pm except on public and bank holidays and weekends.*

*Provided always that attendance for sittings of the National Assembly or House Committee meetings are paramount.*

The House of Representatives

**Recommendation 82: Amend Section 56 (Composition of Lower House)**

82 (1) 56 (1) Subject to the provisions of this Section, the House of Representatives shall consist of thirty-one members who shall *be elected on the last Wednesday of November every five years, in the manner provided by law.*

(2) A member of the House of Representatives shall be elected by the majority of the thirty-one members aforesaid to be Speaker. The Speaker shall set the House agenda and preside over meetings.

(3) The National Assembly may increase or decrease the number of members of the House of Representatives by the two thirds vote of the House of Representatives and Senate after receiving a report from the Institute of Electoral Affairs.

**Recommendation 83: Amend Section 57 (Qualification for Election)**

- 83 (1) “57 Subject to the provisions of Section 57 of this Constitution, a person shall be qualified to be elected as a member of the House of Representatives if, and shall not be qualified to be so elected unless, he-
- (a) *shall be a natural born citizen of Belize of the age of twenty-five years or upwards; and*
  - (b) has resided in Belize for a period of at least *five* years, in the electoral constituency he is contesting, immediately before the date of his nomination for election.”

**Recommendation 84: Amend Section 58 (Disqualification for Election)**

84(1) Repeal and Replace 58 (1) (d) as follows:

58 (1) No person shall be qualified to be elected as a member of the House of Representatives who-

...

(d)(i) No person shall be qualified to be elected as a member of the House of Representatives who-

(d)(ii) has served a sentence of one year or more in prison anywhere in the world;

(2) Amend 58(1)(g) (i) and (iii) as follows:

“58 (1) No person shall be qualified to be elected as a member of the House of Representatives who-

(a) (g) *is disqualified for membership of the House of Representatives under any law by virtue of*

...

(b) (ii) his belonging to any of the armed forces of Belize *ten years immediately before his nomination* or to any class of persons comprised in any such force; or

PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (c) (iii) his belonging to any police force *ten years immediately before his nomination* or to any class of persons comprised in any such force;
- (3) Amend 58(1)(h) as follows:
- 58 (1) No person shall be qualified to be elected as a. member of the House of Representatives who-
- (4) (a) (h) (i) *is a party to, or a partner in a firm or a director or manager of a company which is a party to any contract with the Government for or on account of the public service.*
- (b) (h)(ii) has not declared publicly and in a newspaper circulating in the public electoral division for which he is a candidate a notice setting out the nature of the contract held by members of his immediate family with the Government of Belize or the interest of any such firm or company therein.
- (5) Repeal Section 58 (2)

**Recommendation 85: Amend Section 59 (Tenure of Office)**

- 85(1) "59 (1) Every member of the House of Representatives shall vacate his seat in the House at the next dissolution of the National Assembly after his election *which shall be every five years on the last Wednesday of November.*
- (2) A member of the House of Representatives shall also vacate his seat in the House-
- (a) if he is absent from the sittings of the House for three consecutive meetings of the House *without a legitimate and justifiable reason for which he shall report such condition to the Clerk of the National Assembly;*
- (3) Amend to repeal Section 59(2)(b) and replace as follows:
- (b) if he acquires or possesses dual nationality;

PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

(4) Amend to provide for Section 59(2)(g) as follows:

(g) if he ceases to reside in the electoral division he represents.

**Recommendation 86: Repeal Section 59 A and 59 (2)(e)**

The question of the constitutionality of an amendment must never be beyond review and interpretation of the Court. Such provision usurps the power of the Court, especially in light of the emergence of jurisprudence in line with Basic Structure Doctrine. The Court is therefore the appropriate branch of Government to test the constitutionality of any amendment passed by the National Assembly.)

86 It is recommended that Section 59 A be repealed.

**Recommendation 87: Repeal and Replace Section 60(2)**

87(1) "60 (2) The Speaker shall be above the age of thirty years, *a natural born citizen of Belize*, and shall be elected from among the members of the House of Representatives. He shall prepare the agenda, schedule meetings and preside over sessions of the House of Representatives:

Provided *always* that a person shall vacate the office of Speaker or Deputy Speaker:-

- (a) *if he ceases to be a member of the House;*
- (b) *if he is appointed to be a Minister;*
- (c) *upon any dissolution of the National Assembly;*
- (d) *if he ceases to be a citizen of Belize;*
- (e) *if any circumstances arise which would cause him to be disqualified for election as a member of the House by virtue of section 58 (1) of this Constitution; or*
- (f) *in the case of the Deputy Speaker, if he is elected to be Speaker.*

**Recommendation 88: Repeal Sections 60 (3), (4), and (5)**

88 It is recommended that Sections 60 (3), (4), and (5) be repealed.

**THE SENATE**

***Composition of the Senate***

**Recommendation 89: Repeal and Replace Section 61**

11. It is recommended that Section 61 is repealed and replaced as follows:

- (2) “61 (1) (a) The Senate shall consist of twelve elected members.
- *Two elected members shall come from each District in Belize.*
    - *Elections shall be open to multiple candidates but the successful candidates shall be the two with the highest number of votes in each district.*
    - *Elections shall be conducted on the last Wednesday of November every six years.*
- (3) *A Senator shall be a natural born citizen of Belize who has resided ten years in the district he represents.*
- (2) The Senators shall elect a person from among themselves, to serve as the Pro Tempore to preside over meetings. Both the Pro Tempore elected by the majority of Senators and the minority leader of the Senate shall prepare the agenda and schedule of the proceedings of the Senate. The President of the Senate shall be the elected Deputy Prime Minister who has a casting vote in the event of a tie and shall preside only when there is a National Assembly joint Session of the House of Representatives and the Senate.

**Recommendation 90: Repeal and Replace Section 61A (2)**

12. It is recommended that section 61A be repealed and replaced as follows:

- (2) **“61A (2)** The powers and functions of the Senate referred to in sub section (1) are as follows:
  - (a) authorizing the ratification (including adhesion or accession) of any treaty by the Government of Belize, including any treaty for the settlement of the territorial dispute between Belize and the Republic of Guatemala *by a vote of three fourths of the Senators present and voting, the quorum being nine members;*
  - (3) (b) approving the establishment in Belize of any military base of operations for any foreign military forces *by a vote of three fourths of the majority of Senators present and voting, the quorum being nine members;*
- (4) Amend to Repeal and Replace Section 61A (2)(c) as follows:
  - (b) *receiving, reviewing, debating, and voting on the passage of Bills brought to the Senate after approval from the House of Representatives;*
- (5) Amend to Repeal and Replace Section 61A(2)(d) as follows:
  - (c) *receiving, reviewing, debating, and voting on the approval or disapproval of nominated officers brought to the Senate for vetting and approval from the Prime Minister or the House of Representatives;*
- (6) Amend to Repeal and Replace Section 61A(2)(e) as follows:
  - (d) *approving the appointment of the Contractor General, the Ombudsman, a member of the Institute of Electoral Affairs, a member of the Office of the Constitution, a member of the Integrity Commission, and a member of any other Court, Commission, Statutory Body, Agency or body as identified in*

PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

*this Constitution and law for purposes of vetting and approval;*

(7) Amend to Repeal and Replace Section 61A(2)(f) as follows:

(e) *instituting and conducting enquiries and investigations on any matter of public interest or importance, including inquiries into mismanagement or corruption by persons in the central government or public statutory bodies;*

Provided always that if found to have acted against the national sovereignty, there is immediate removal of the person from office.

(8) Amend to Repeal and Replace Section 61A(2)(g) as follows:

(f) *receive and review the request, testimony and investigation of the Prime Minister, or House of Representative or the Senate impeachment inquiry; confirm the resolution for impeachment adopted by the majority of the House of Representatives; request the presence of officials to give testimony; provide an oath or affirmation to those providing testimony; preside over the inquiries, investigations, hearings and impeachment proceedings in the Senate with the Chief Justice of Belize; conclude proceedings and if convicted, remove from office and formally disqualify the accused from holding public office. This impeachment requires a two-thirds majority of votes of the Senate;*

(9) Amend to Repeal and Replace Section 61A(2)(h) as follows:

(h) *receiving, reviewing and reporting on annual reports and other reports of the Auditor General, the Contractor General and the Ombudsman, and instituting and conducting inquiries, investigations and hearings in relation thereto;*

(9)(a) Amend to provide for Sections 61A(2)(i),(j),(k), and (l) as follows:

(i) *requiring the attendance before it of the Auditor General, the Contractor General or the Ombudsman generally, in relation*



## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

*to the discharge of their duties and the execution of their functions;*

- (b) *(j) requiring the attendance before it of any elected or Public Officer in a Government Ministry in respect of any matter of which he has knowledge by virtue of his office, or in respect of anything related to his office and the due execution of his duties;*
- (c) *(k) requiring the attendance before any Committee of the Senate, of any person, public official, elected official or Minister of Government.*
- (d) *(l) making rules governing its proceedings, creating committees whose proceedings inform the Senate, providing public review on the Census and annual redistricting;*

(10) Amend to Repeal Section 61A (3)

### **Recommendation 91: Amend to Repeal and Replace Section 62**

13. It is recommended that Section 62 be repealed and replaced as follows:

“62. Subject to the provisions of this Constitution, a person shall be qualified to be elected as a Senator if, and shall not be qualified to be so elected unless, he or she –

- (2)
  - (a) is a natural born citizen of Belize of the age of thirty-five years or over;
  - (b) has resided in Belize for a period of at least ten years in the district which he represents immediately before the date of his appointment;
  - (c) was nominated by ten persons and paid his nomination fee of a thousand dollars to the Institute of Electoral Affairs; and
  - (d) has received the most or second most votes in his district during the election as certified by the Institute of Electoral Affairs.

**Recommendation 92: Amend Section 63 (Disqualification)**

92(1) Amend to Repeal and Replace 63 (1)(b) as follows:

“63 (1) No person shall be qualified to be elected as a member of the Senate who-

(b) *has served a sentence of one year or more in a prison anywhere in the world;*

(2)(a) Amend to Repeal and Replace Section 63(1)(h)(ii) and (iii) as follows:

(h)(ii) *his belonging to any of the armed forces of Belize ten years immediately before his nomination or to any class of persons that is comprised in any such force; or*

(b)

(iii) *his belonging to any police force ten years immediately before his nomination, or to any class of persons that is comprised in any such force; or*

(3)(c) Amend to Repeal and Replace Section 63(1)(i) as follows:

(i)(a) *is a party to, or a partner in a firm or a director or manager of a company which is a party to, any contract with the Government for or on account of the public service;*

(3)(d)

(b) *and has not, within one month before the day of election, declared publicly and in a newspaper circulating in the electoral division for which he is a candidate a notice setting out the nature of the contract held by members of his family with the government of Belize or the interest of any such firm or company therein.*

(4) Amend the Proviso at Section 63 (1) to create a new provision Section 63 (2) as follows:

“63 (2) Where a by-election is held to fill the vacancy caused by the recall of a member of the Senate under any law providing for the recall of elected representatives, the member so recalled or who resigned in consequence of a petition for his recall shall be ineligible to stand as a candidate for the seat to be filled in such by-election.”

- (5) Amend to Repeal Sections 62 (2)(a) and (b)

**Recommendation 93: Amend Section 64**

93. Amend to Repeal and Replace Sections 64 (1) and (2) as follows:

- (1) “64 (1) *Every member of the Senate shall vacate his seat in the Senate at the next dissolution of the Senate after his election which shall be every six years on the last Wednesday of November.*
- (2)(a) *A member of the Senate shall also vacate his seat in the Senate-*  
*if he is absent from the sittings of the Senate for three consecutive meetings of the Senate without a legitimate and justifiable reason for which he shall report such condition to the Clerk of the National Assembly;*
- (b) *if he ceases to be a citizen of Belize;*
- (c) *if he ceases to reside in the district he represents;*
- (d) *if he acquires or possesses dual nationality;*
- (e) *is a party to, or a partner in a firm or a director or manager of a company which is a party to any contract with the Government for or on account of the public service;*
- (f) *and has not, within one month before the day of election, declared publicly and in a newspaper circulating in the electoral division for which he is a candidate a notice setting out the nature of the contract held by members of his family with the government of Belize or the interest of any such firm or company therein.*
- (3) Amend to Repeal the Proviso after Section 64 (2)
- (4) (a) Amend to Repeal and Replace Section 65 as follows:  
“65 (1) Subject to the provisions of subsection (3) of the Section, if any circumstances arise that, if he were not a member of the Senate, would cause him to be disqualified for

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

election thereto by virtue of Section 63 (1) of this Constitution;

- (b) *if he shall become a party to any contract with the government for or on account of the public service, or if any firm in which he is a partner or any company of which he is a director or manager shall become a party to any such contract, or if he shall become a partner in a firm or a director or manager of a company which is a party to any such contract:*
- (c) if he is recalled as a member of the Senate under any law providing for the recall of elected representatives before the expiry of their normal term of office.
- (d) If circumstances arise because any member of the Senate is under sentence of death or imprisonment, or adjudged to be insane or otherwise of unsound mind, or declared bankrupt and undischarged, or convicted of an offence relating to elections, and if it is open to the member to appeal against the decision (either with the leave of a court or other authority or without such leave), he shall forthwith cease to perform his functions as a member of the Senate but, subject to the provisions of this subsection, he shall not vacate his seat until the expiration of a period of thirty days thereafter;
- (e) *If, on the determination of any appeal, such circumstances continue to exist and no further appeal is open to the member, or if, by reason of the expiration of any period for entering an appeal or notice thereof or the refusal of leave to appeal or for any other reason, it ceases to be open to the member to appeal, he shall forthwith vacate his seat.*
- (f) If at any time before the member of the Senate vacates his seat such circumstances as aforesaid cease to exist, his seat shall not become vacant on the expiration of the period referred to in paragraph (a) of this subsection and he may resume the performance of his functions as a member of the Senate.
- (g) Provided that the President of the Senate may from time to time extend that period for further periods of thirty days to enable the member to pursue an appeal against the decision, so, however, that extensions of time exceeding in the aggregate one hundred and fifty days shall not be given without the approval, signified by resolution, of the House.

**Recommendation 94: Salaries of Parliamentarians**

- 94 (1) Salaries and benefits for members of the House of Representatives shall be not less than that of a Judge of the High Court. Salaries and benefits for members of the Senate shall not be less than that of a Justice of the Court of Appeal.
- (2) No Cabinet Minister shall receive the same or equal salaries and allowances as members of the National Assembly.
- (3) No contract officer providing public services shall receive the same or equal salaries and allowances as Cabinet Ministers.

**Recommendation 95: Procedure for Ratification of Treaties**

- (1) Vetting of treaties will be done by the Office of the Constitution and the Ministry of Foreign Affairs and approved by the Senate.

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

### Powers and Procedure

#### **Recommendation 96: Amend Section 69 as follows:**

96 (1)

“69 (3) A Bill to alter any of the provisions of this Constitution shall not be regarded as being passed unless on its final reading the Bill is supported by the votes of not less *than three-fourths of all the members* in both the House of Representatives and the Senate.”

(2) Repeals Section 69 (4) through to Section 69 (9)

### **Regulations of procedure in National Assembly**

#### **Recommendation 97: Amend Section 70 (1) to replace Governor General with Prime Minister**

“ 70 (1) Subject to the provisions of this Constitution, each House may make, amend or revoke Standing Orders for the regulation and orderly conduct of its own proceedings and the dispatch of business, and the passing, instituting and numbering of Bills and the presentation of the same to the *Prime Minister* for assent.”

#### **Recommendation 98: Amendment of Proviso in Section 71(1)**

98. It is recommended that the Proviso be amended as follows:

“ 71 (1) Except for the purposes of enabling this Section to be complied with, no member of either Chamber of the National Assembly shall sit or vote therein, or be entitled to receive any salary or emoluments in respect of his office until he has made and subscribed before that House the oath of allegiance and office:

Provided that the election of a Speaker and Deputy Speaker of the House of Representatives and the election of a *Pro Tempore* of the Senate may take place before the members of the House of

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

Representatives or of the Senate, as the case may be, have made and subscribed such oath.”

Presiding in the House of Representatives and Senate

### **Recommendation 99: Amend Section 72(2)**

99. It is recommended that Section 72 (2) be amended as follows:

- (1) “ 72 (2) The President, or in his absence, *the Pro Tempore or*, if they are both absent, a Senator elected by the Senate for that sitting, shall preside at each sitting of the Senate.”
- (2) Amend Section 72(3) to account for the amendment to include a Pro Tempore of the Senate.

Voting

### **Recommendation 100: Amend Section 73 (2)**

100. It is recommended that Section 73 (2) be amended as follows:

- (1). “73 (2) A Speaker elected from among persons who are members of the House of Representatives or *a Pro Tempore* elected from among persons who are Senators or a member of either House presiding in that House shall have an original but not a casting vote.”
- (2) Amend to Repeal Section 73 (3)

### **Recommendation 101: Amend Section 76 (2) (a) and (b)**

101. It is recommended that Sections 76 (2)(a) and (b) be amended as follows:

- (1) “ 76 (2) For the purposes of this section-
  - (a) a quorum of the House of Representatives shall consist of *seventeen* members of the House;
  - (b) a quorum of the Senate shall consist of *nine of the twelve* Senators;

**Recommendation 102: Amend to Repeal and Replace 77 (2)**

102. Amend to Repeal and Replace Section 77(2) as follows:

*Introduction of Bills.*

- (1) “ 77 (2)(a) *A Bill shall originate -*
  - (i) *as a White Paper for public review;*
  - (2)
  - (ii) *together with a Draft with as much as three months before but no less than one month's notice prior to the introduction as a Bill; and,*
  - (3)
  - (iii) *subject to immediate public review and documented comment.*
- (4)

*Provided always that the exigencies of matters of national emergency command expediency to the exclusion of any requirement for a notice period.”*

- (5) Amend to renumber Section 77 (2) (a) (i) through to (iii) as Section 77 (2) (b) (i) through to (iii).
- (6) Amend to renumber Section 77 (2)(b) to become Section 77(2) (c)
- (7) Amend to provide for Section 77 (2) (d) as follows:

*“77 (2) (d) The Senate shall have the same privilege as the House of Representatives to debate and pass money Bills.”*

**Recommendation 103: Amend to Repeal and Replace Section 78**

*Bills into Act.*

103 A Bill passed by the House of Representatives and the Senate shall go to the Prime Minister for signature and assent which makes it an Act. The Prime Minister may choose not to sign the Bill which becomes an Act in ten days after being passed by the National Assembly. Should the Prime Minister veto the Bill



## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

and it returns to the National Assembly, the Bill then requires a vote of two thirds of the National Assembly to become an Act.

### **Recommendation 104: Human and Institutional Resources available to the National Assembly**

#### *Supporting Agencies for the National Assembly*

- 104 (1) The agencies which shall provide support for the National Assembly shall be, but not limited to-
- (a) Office of the Constitution,
  - (b) National Assembly Budget Office,
  - (c) National Assembly,
  - (d) Legal and Research Office,
  - (e) Government Accountability Office,
  - (f) National Assembly Records and Printing Office,
  - (g) Office of the Inspector General,
  - (h) Office of the Clerk,
  - (j) Joint Committee Meeting to reconcile Bills,
  - (k) Library of the National Assembly,
  - (l) National Assembly Health Care and Pension Commission,
  - (m) Office of Compliance, and Offices and Sub-Committees.

### **Recommendation 105: Repeal and Replace Elections and Boundaries Department**

#### **Institute of Electoral Affairs**

105. Amend Section 88 (1) to remove the Elections and Boundaries Department and replace as follows:

PEOPLE’S CONSTITUTION COMMISSION RECOMMENDATIONS

---

(1) “88.–(1) *The **Institute of Electoral Affairs**, an autonomous, independent body which shall consist of eight members of integrity and high national standing and all members shall appear before the Senate for examination and explanation. The Institute shall maintain at least three main departments: one for elections, one for boundaries, and one for political parties.*

(2) Amend Section 88 (2) to remove reference to the Governor General and make provision for composition of the Institute of Electoral Affairs as follows:

“88 (2) *The Prime Minister shall appoint the Chairman, who shall have a casting vote, the other seven members shall be appointed by the following : one by the House of Representative, one by the Senate, one by the business sector (BCCI/BBB), one by the Church, one by the NGOs, one by the Unions, and a retired Chief Justice by the Bar Association.*”

(3) Amend to Repeal and Replace Section 88 (3) as follows:

“88 (3) *The main goals of the Institute of Electoral Affairs shall be the following:*

- (a) *To continue the development of participatory democracy for State and non-State actors;*
- (b) *To provide an integrated and updated, verifiable voters registry system which shall be updated every six months by physically visiting the residence;*
- (c) *To ensure citizens exercise their electoral rights and duties free from corrupt practices;*
- (d) *To guarantee periodical elections of local, municipal, Legislative and Executive branch elections;*
- (e) *To monitor and authenticate effective suffrage, promoting a sound voting and democratic culture;*
- (f) *To register, monitor and strengthen political institutions, movements, fronts, parties and their actors;*

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (g) *To register, audit, and disclose campaign funding within 30 days of such contributions and set contribution ceilings for political campaign expenses whether public or private funding;*
  - (h) *To administer the fair use of media and radio and television slots designated to political parties;*
  - (i) *To select, train and deploy polling site officers and supervise local listed non-State observers;*
  - (j) *To ensure periodic revision of the electoral demography and divisions for every election;*
  - (k) *To register voters, verify their residence, issue their voter's identification and provide a voters list;*
  - (l) *To register nominated candidates for local, municipal, divisional and national electoral posts;*
  - (m) *To count votes, verify the electoral results of selected candidates and announce the results;*
  - (n) *To review and sanction the electoral penalties and infringements established in the law;*
  - (o) *To design and implement permanent and continuous civic education programmes on voting and in different languages of the country;*
  - (p) *To preserve the integrity, independence and autonomy of the Institute.*
- (4) Amend Section 88 (4) to remove the reference to the Governor General and give members tax-free stipends as follows:
- “Section 88 (4) If any member of the Institute dies or resigns, *the relevant entity shall appoint another person in his place in the same manner in which such member was appointed. The members shall receive a tax-free stipend comparable to a private sector corporate director as recognized by the Statistical Institute of Belize.*”
- (5) Amend Section 88 (5) (a) to extend period of appointment and Section 88(5)(b) to replace the word “Commission” with the word “Institute” as follows:

PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (6) “Section 88 (5) Subject to the provisions of this Section, the office of a member of the Institute shall become vacant-
- (a) at the expiration of *seven years* from the date of his appointment; or
  - (b) if any circumstances arise that, if he were not a member of the *Institute*, would cause him to be disqualified for appointment as such.
- (7) Amend Section 88(6) to replace the word “Commission” with the word “Institute” as follows:
- “Section 88 (6) A member of the *Institute* may be removed from office for inability to perform the functions of his office (whether arising from infirmity of mind or body, or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with the provisions of this Section.”
- (8) Amend Section 88(7) to replace the word “Commission” with the word “Institute, remove reference to the Governor General, remove reference to the Belize Advisory Council and replace with Lower House as follows:
- “Section 88 (7) *A member of the Institute shall be removed from office by the Senate if the question of the removal of that member from office has been referred to the House in accordance with the next following subsection and the Senate has advised the Prime Minister that the member ought to be removed from office for inability as aforesaid or for misbehaviour.*”
- (9) Amend Section 88 (8) to remove reference to Governor General, Commission, and provide for investigation to be done by the House and referred to the Senate as follows:
- “Section 88(8) If the Prime Minister represents to the *House of Representative* that the question of removing a member of the “*Institute*” under this Section ought to be investigated, then-
- (a) the *House of Representative* shall refer the matter to the Senate which shall sit as a tribunal in the manner provided by this Constitution; and

PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (b) the *Senate* shall enquire into the matter, report on the facts thereof to sanction or remove such member if such cause is established on whether that member of the *Institute* should be removed under this Section.
- (10) Amend to Repeal and Replace Section 88 (9) as follows:
- “Section 88 (9) If the question of removing a member of the Institute from office has been referred to the Senate under the preceding subsection, the Senate may suspend the member from performing the functions of his office, and any such suspension may at any time be revoked by the House of Representative and shall in any case cease to have effect if the Senate advises the House of Representatives that the member should not be removed from office.”
- (11) “Section 88 (10) If the office of a member of the Institute is vacant or a member is for any reason unable to perform the functions of his office, the appointor may appoint another person in the same manner in which such member was appointed, to act as a member of the Institute, and any person so appointed shall, subject to the provisions of subsections (6), (7), (8) and (9) of this Section, continue to act until he is notified by the appointor that the circumstances giving rise to the appointment have ceased to exist.
- (12) “Section 88 (11) A member of the Institute shall not enter upon and accept the duties of his office unless he has taken and subscribed the oath of allegiance to the Constitution and the Citizens of Belize.”

**Recommendation 106: Amend Section 89 (2) on Parliamentary Terms.**

***Electoral Divisions***

106. Amend section 89 (2) as follows:

- “Section 89 (2) Each electoral division shall be represented in the House of Representatives by one elected member who shall serve for *five years*.”

**Recommendation 107: Amend Section 90**

*Increase of electoral divisions*

107 (1) Amend Repeal and Replace Section 90 as follows:

“90 (1) The Institute for Electoral Affairs shall, after considering the distribution of the population throughout Belize, make proposals for every elections, for dividing Belize into electoral divisions in such a way that-

- (a) *each electoral division shall have as nearly as may be an equal number, consistent with population growth, of persons eligible to vote with a standard deviation of no more than five percent for each election;*
- (b) *the total number of electoral divisions for the House of Representatives shall be not less than thirty one.*
- (c) *the total number of electoral divisions for the Senate shall be twelve, with two from each of the six districts.*
- (d) *each member of the House of Representative shall be elected to serve a term of five years for each election and he shall have been twenty-five years or more, having lived eight consecutive years prior, at the time of nomination for elections*
- (e) *each Senator shall be elected to serve a term of six years for each election and he shall have been thirty five years or more, having lived twelve consecutive years prior, at the time of nomination for elections.*
- (f) *a Prime Minister and a Deputy Prime Minister shall be elected every four years per term and shall serve no more than two terms and each shall have been thirty-five years or more at the time, and shall have lived in Belize ten consecutive years prior of their nomination for elections*

PEOPLE’S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (g) *the electoral division for Prime Minister and Deputy Prime Minister shall be the entire country of Belize from the Institute of Electoral Affairs’s list of all registered voters.*
- (2) In fixing the boundaries of electoral divisions the Institute of Electoral Affairs shall have regard to the transport and other facilities of the division, and to its physical features.
- (3) The proposals of the Institute of Electoral Affairs made pursuant to this Section shall be laid before the National Assembly by the Chairman of the Institute, and the electoral divisions specified in those proposals shall be the electoral divisions of Belize for the purposes of any law for the time being in force relating to the election of members of the House of Representatives, Senate, Prime Minister and Deputy Prime Minister shall not be such electoral divisions until, enacted as law by the National Assembly.
- (4) When the Institute of Electoral Affairs considers it necessary to increase or decrease the number of electoral divisions as specified in subsection (1), it shall make proposals to the National Assembly, and the National Assembly may enact a law to give effect to such proposals, with such amendments and modifications as may seem appropriate to the National Assembly.

**Recommendation 108: Amend Repeal and Replace Section 91**

***Revision of electoral divisions***

108. Amend to Repeal and Replace Section 91 as follows:

“Section 91 Any re-division of electoral divisions effected in accordance with Section 90 of this Constitution shall, in respect of the election of members of the House of Representatives, come into operation at every general election held after such re-division. The department of boundaries shall ensure that the standard deviation of the electoral division shall be five percent and no more.”

**Recommendation 109: Amend Section 92(a)**

***Conduct of voting.***

109. Section 92 (a) be amended as follows:

“92 At any general election-

- (a) only a *Citizen of Belize* who has attained the age of eighteen years or over and who satisfies the requirements of the Representation of the People Act shall have the right to vote;”

**Recommendation 110: Amend to expand Section 93**

***Conduct of elections***

110. Amend Section 93 to make new sub provisions 93(2), 93(3) and 93(4)

“93 (2) *The Institute may regulate its own procedure, which shall be submitted for the approval of the House of Representatives given in accordance with the majority vote in the Senate, confer powers or impose duties on any public officer or authority of the Government for the purpose of the discharge of its functions.*

93 (3) *The Institute shall be responsible for the direction and supervision of the registration of voters and the conduct of elections, referenda and all matters connected therewith.*

93 (4) *In the exercise of its functions, the Institute shall not be subject to the direction or control of any other person or authority and shall, subject to the provisions of this Constitution, act in accordance with the Representation of the People Act or any other law, rule or regulation relating thereto.*



**Recommendation 111: Establishment of Constitutional Protection to Local Government.**

***Local Government***

- 111 (1) Local government shall be the authority established by election of the residents of that community to govern and manage public activities and functions of that community and any other activities as prescribed by law enacted by the residents of that community within their established boundaries, and these functions and by laws shall be accepted by negative resolution of the National Assembly.
- (2) The local government shall have the authority to raise revenues, fees, charges, and taxes provided that the community votes its approval for such collection through a referendum agreed to by the majority of the voters in that community and any other revenue raising activity not approved by referendum shall have to be accepted by negative resolution of the National Assembly.

***Composition of Local Government***

- (3) There shall be five types of local government structures:
- (a) *City Councils, governed by an elected Mayor and five Councilors which shall be communities with defined legal boundaries and by laws so declared by negative resolution of the National Assembly;*
  - (b) *Town Councils, governed by an elected Mayor and five Councilors which shall be communities of ten thousand or more residents living within that community by its legal defined boundaries and by laws;*
  - (c) *Village Councils, governed by an elected Village Chairman and two Councilors, one of whom shall be Secretary and the other Treasurer which shall be communities of five thousand or less residents living within that community by its legal defined boundaries and by laws;*
  - (d) *Alcalde system, a customary system of government specific to Maya communities, which includes its judicial functions as well, governed by an elected Alcalde and two Deputy Alcaldes (such election subject to customary practice), which shall be communities of five thousand or less residents living within that community by its legal defined boundaries and by laws.*

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (e) *Community Councils, which shall be local government of small communities of a few hundred or less residents living within that community having legal defined boundaries and by laws.*
- (b) Villages shall maintain an official registry of all residents of the village which shall be the basis for those residents permitted to elect, either an Alcalde and Deputy Alcalde or a Village Chairman and two Councilors. No village shall have both authorities of Village Council or Alcalde jurisdiction governing the village.
- (c) They can choose which system the village wants by referendum that is binding by the majority of votes from the residents 18 years or older registered as residents of that community where the elections are held.

### ***Qualification for election as member***

- (4) Those who contest elections to be a member of any local government shall have to be:
  - (a) *a registered resident of the community he is contesting, City, Town, Village or Alcalde, three years prior to being nominated*
  - (b) *a citizen of Belize of eighteen years or more;*
  - (c) *a citizen with no criminal record as shown by a clean police report;*
  - (d) *the candidate shall be nominated by three persons who are duly registered in the community and have lived there for five years or more.*

### ***Disqualification for election as member.***

- (5) A person is disqualified to become elected as a member if the person is-
  - (a) *not duly registered as a resident of the community he is contesting: City, Town, Village or Alcalde, three years prior to being nominated;*
  - (b) *not a citizen of Belize of eighteen years or more;*
  - (c) *a citizen with a criminal record from anywhere in the world.*

***Conduct of voting: Registry of Voters to be kept by Villages and Alcaldes***

- (6). Villages and Alcaldes shall maintain a register of residents who are eligible to vote, issued by the Institute of Electoral Affairs as follows:

(a) *each registered resident, citizen of Belize, who has resided in the Village for one year as shown by the registry maintained by the Alcalde or Village who is eighteen years or older can vote;*

Cities and Towns shall be conducted as follows:

(b) *those voting for Town Councils and City Councils shall show that they are registered on the national voters list issued by the Institute for Electoral Affairs;*

(c) *no qualified registered resident shall be entitled to more than one vote; and*

*Provided always that votes shall be by secret ballot.*

***Tenure of office of members***

- (7) The tenure of office shall be for three years. Any elected member shall serve no more than four terms. Elections shall be held the last Wednesday of November every three years.

***Procedure where a member vacates seat***

- (8) The member shall no longer serve the City Council, Town Council, Village Council or Community Council if the member:-

(a) *fails to attend three consecutive monthly meeting without having a legitimate and reasonably justifiable cause that prevented such attendance;*

(b) *no longer is living in the community from which he was elected;*

(c) *has been sentenced for a criminal violation;*

(d) *fails to provide an annual report within sixty days of the annual period;*

(e) *is no longer medically fit to function as an elected representative for the community.*

***Village Boundaries, land, and resources***

- (10) In accordance with the subsidiary laws of local governance and recognizing community rights, we propose the following amendments:
- (a) establish and cause to be recognized enforceable Village and Alcalde Boundaries.
  - (b) the Constitution shall affirm the recognition of defined village and alcalde boundaries as integral to the identity and autonomy of each village, ensuring that such boundaries are acknowledged in all governmental and administrative processes. Where village boundaries are not already established, require the establishment of the same with the involvement of those communities in question.
  - (c) Require that land transactions that fall within these jurisdictions are conducted transparently and be subject to the review of the Village Council especially where they may impact communities in ways that alter significantly customary enjoyment and access of the environment and its resources.
  - (d) The protection against titles and land transactions or changes in land access or use that may impact the village, a community consultation process shall be mandated. This process shall allow for meaningful input from village residents, ensuring that their voices are heard and considered in decisions affecting their land and resources.
  - (e) Require Transparency in Land Transactions and Community Engagement. Require that the Department of Lands seek International Standards Organization (ISO) certification to conform with international standards on the process for acquiring national lands.
  - (f) Protect Land Sovereignty through Foreign/ Land Ownership Restrictions on foreign or local entities, preventing them from owning national lands if they are directly or indirectly controlled by foreign States or sovereign funds. The aim is to prevent countries or government-linked entities from acquiring large portions of Belize's productive land.

**Recommendation 112: National Symbols Changes**

- 112 (1) It is recommended that the flag be changed (since it is not gender neutral and promotes colonialism) to a more universal symbolic flag.
- (2) It is recommended that the national anthem, formerly Land of the Free be one subject to a national competition which does not associate itself with colonialism "ye sons of the Baymen clan."

**Recommendation 113: Referendum**

- 113 (1)      What is needed is a constitutional Section dealing with a binding referendum, its processes and its application. This should be application for national issues.
- (2)          Another component is the use of referendum for municipal and village government, especially tied to raising of revenues. This practice will make government decentralized and more responsive to their community wishes and needs

**Part VII – THE JUDICIARY**

**STRUCTURE**

**Recommendation 114: Hierarchy**

114 (1) The structure of the Judiciary with the Caribbean Court of Justice as the Apex Court should be preserved.

- (2) It is recommended that the structure of the Judiciary be provided in the Constitution as follows-

*The Judiciary shall consist of –*

- (i) The Magistrates Court and the Alcalde as the base;*
- (ii) The High Court;*
- (iii) The Court of Appeal; and,*
- (iv) The Caribbean Court of Justice.*

**Recommendation 115: Alcalde System and Standardization**

115 (1) The Alcalde juridical system and customary system of governance should be constitutionally recognized and protected.

- (2) The Judiciary should engage and partner with the Maya community to learn the juridical and customary function of the Alcalde and assist with the marshalling of its codification.
- (3) The Judiciary and Alcalde should work together (with the Maya leading and the Judiciary's support) to repeal and replace the Section in the Inferior Court Act that deals with the recognition of the jurisdiction, role, function, and dispensation of the Alcaldes. This approach best recognizes Maya self-determination and acknowledges that in order to correct the affront to self-determination evident in the Inferior Court Act it must only be after consulting and reflecting the customary will of the Maya people.
- (4) The Alcalde Bill submitted to the National Coordinator for Local Government in 2010 along with the efforts by the ten Maya communities' currently codifying custom should operate as a guide and foundation for the joint effort.

**Recommendation 116: Establishment of a Constitutional Court**

- 116 (1) It is recommended that a 3-member Constitutional Court be created and given constitutional recognition and force. The Constitutional Court would conform to the existing structure of the Judiciary and sits collateral to the High Court.
- (2) The composition of the Constitutional Court should contain one Criminal Division Judge; and, one Jurist who shall be an expert in constitutional law and/or has previous judicial experience on the bench on purely constitutional matters.

**Recommendation 117: Transforming the Magistracy**

- 117 (1) Transform the Magistracy into a Court of Record with all proceedings being recorded.
- (2) The Magistracy should produce reasoned written decisions.
- (3) The Judiciary's website should be updated to contain an index and repository for searchable Magistrate Court judgements. Section 95 (3) must therefore be amended to reflect same.

SEPARATION OF POWERS

**Recommendation 118: Independence of the Judiciary**

- 118 (1) It is recommended that an express provision that reflects the independence of the Judiciary be stated in the Constitution as follows:

*“The judicial power of Belize shall be vested in the Judiciary, accordingly, neither the Executive nor Parliament nor any organ or agency of the Executive or Parliament shall have or be given final judicial power.*

*Provided always that the Executive enjoys a prerogative to nominate any potential Judicial Officer for consideration for appointment or elevation.”*

**Recommendation 119: Financial Independence**

119. (1) It is recommended that the Judiciary shall receive a constitutionally protected percentage of the National Budget.

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

*Provided always that in the case of surplus it is carried over into the next following fiscal year and off-set to match the protected percentage.*

- (2) The protected percentage shall be disbursed directly to the Judiciary in the account which the Judiciary manages.

### **Recommendation 120: Establishing the protected percentage**

- 120 (1) Stakeholders such as the Bar Association of Belize, the Judiciary, Association of Defense Counsel and any other relevant consultant should meet to identify deficiencies that remain and determine whether and to what extent budgetary protections sufficiently resolve the problem.
- (2) Further, said stakeholders should identify areas for improvement and costs with a view to ascertain what would be a sufficient median budget for the constitutionally protected percentage that would accomplish improvements within a reasonable time.
- (3) The comprehensive assessment and/or cost analysis must be countrywide to ensure that every institution of Justice in each District is constructed anew, or improved to accommodate the disabled and to meet the integrity the precinct should hold as well as to meet the integrity of citizens accessing Justice and professional dispatch.
- (4) The assessment to be conducted must include assessment for equipment, recruitment, and training to enable the operationalization of the recommendation.

## ***JURIST MOBILITY AND EMPLOYMENT***

### **Recommendation 121: Career Judicial Officers**

- 121 (1) There should be a standardized system of elevation of Judicial Officers from one level of the Judiciary to the other, especially for Magistrates to High Court and from High Court to Court of Appeal.
- (2) Establish standardized measure of requirement for Magistrates and High Court Judges to be eligible for consideration for elevation as of right.



## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (3) Recruitment of Magistrates, High Court and Court of Appeal Judicial Officers should be subject to Upper House scrutiny only.
- (4) The Judicial Complaints and Judicial Affairs body, as set out below at Recommendation 126, shall have the residual power to determine successful applicants and formal appointment shall conform with the provision at Recommendation 125 (1) (e) below.

### **Recommendation 122: Judicial and Legal Services Commission**

- 122 (1) The Judicial and Legal Services Commission should be preserved only to the extent of receiving applications and shortlisting *et cetera* intended Jurists for hire pursuant to section 110 F (1).
  - (a) Section 110 E be amended to reflect appointment of members to the Commission shall be by the Executive.
  - (b) Section 110E (b) should be amended to remove the Chairman of the Public Services Commission and replace it with the appointment of any retired Belizean Judge.
  - (c) Sections 97 (1) and (2), 98 (1) (b), 98 (5)(b), 98(6), 98(7), 98(8), 101 (1), 110E (7), (8)(a) and (b), (9), (10), 110 F (2) should be amended to remove "Governor General" and replace with "Prime Minister."
  - (d) Section 97 (1) and (2) 98 (1) (b) (i) should be amended to give effect to actual and meaningful consultation, which may be reduced in writing, between the Prime Minister and the Minority Leader in the House.
  - (e) Section 97 (1) and (2), 98 (1)(b)(ii) should be amended to reflect that the advice for recruitment comes from the Judicial Complaints and Judicial Affairs Body (as well as to reflect that the consultation between the Prime Minister and the Leader of the Opposition must be actual and meaningful).
  - (f) Section 98 (2) should be amended to reflect that the Judicial Complaints and Judicial Affairs Body must first assess:
    - (i) the number of matters outstanding;

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (ii) the respective stages of outstanding matters;
  - (iii) the time it would take to complete outstanding matters;
  - (iv) the ability of the Judge to complete the matters within the most reasonably shortest and specified amount of time;
  - (v) whether there are requisite support resources to assist the Judge to complete the matters within the most reasonably shortest and specified amount of time;
  - (vi) whether depending on the respective stages of proceedings another Judge may be assigned and effectively dispense with the matter which in turn informs whether extension is necessary and the amount of time necessary;
  - (vii) and any other means of tangible consideration to determine whether a Judge may be permitted to remain in office despite attaining the age of seventy-five years.
- (2) Section 98 (3) (b) should be amended to reflect that the National Assembly is not the body to give extensions for failure to give written decisions and reasons for decisions.
- (3) Section 98 (4) amended to reflect 122 (1)(f)(vi) herein and that investigation and decision to remove comes from the Office for Judicial Complaints and Judicial Affairs who then makes recommendation to the Belize Advisory Council.
- (4) Section 98 (5) amended to remove from the Belize Advisory Council the power to sit as a Tribunal to investigate or deliberate or advise whether a Judge should be removed.
- (5) (1) Section 98 (6) should be amended to make available to a Judge who is subject to removal another opportunity to make representation to show cause why removal is not necessary. So, if the Office of Judicial Complaints and Judicial Affairs makes such a recommendation a Judge may appeal to the Belize Advisory Council as well as participate in the final process of determining

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

removal. Conversely, where a citizen makes a complaint that is believed to be sufficient for removal but does not amount to removal that citizen is able to make further appeal to the Belize Advisory Council.

- (2) The Office of Judicial Complaints and Judicial Affairs Body upon making a referral shall determine whether the Judge is subject to a specific form of outcome. It should not be the prerogative of the Prime Minister to substitute a different finding, cloaked with immunity from suit, which a Judge may not be able to challenge successfully upon review.
- (6) Section 110 F (4) should be amended to delete the prerogative to delegate the powers of the Judicial and Legal Service Commission to any public officer.
- (7) Section 110G should be amended to remove from the Judicial and Legal Services Commission the authority to extend the time to give written decision and reasons for decision.

### **Recommendation 123: Composition of Judicial Complaints and Judicial Affairs Body**

- 123 (1) There shall be established a Judicial Complaints and Judicial Affairs body (JCJAB) that shall enjoy all the functions and matters directly concerned and connected with the management and control of the Judiciary.
- (2) The Composition of the Judicial Complaints and Judicial Affairs Body shall be comprised as follows:
  - (a) An Alcalde;
  - (b) A Magistrate, who is not the Chief Magistrate, and appointed from among the Senior Magistrates;
  - (c) Two High Court Judges, who is not the Chief Justice, and each appointed from among High Court Judges in the respective Criminal and Civil Division;

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (d) Two Court of Appeal Judges each appointed from Judges who sit on Criminal or Civil matters;
  - (e) One retired Belizean Judge who enjoyed office in any of the jurisdictions of the Judiciary;
  - (f) A member of the Bar Association of Belize who will hold *ex officio* office; and,
  - (g) Any other stakeholder within the Judiciary
- (3) Appointment to the Judicial Complaints and Judicial Affairs Body shall be for four years with eligibility for re-appointment.
  - (4) The JCJAB shall be an independent body and not subject to the direction, suggestion, or control of any other person or office.
  - (5) The process of appointment shall be in accordance with Recommendation 123 (3) and (4) above.

### **Recommendation 124: Employment of Judicial Officers**

- 124 (1) Classification of all Judicial Officers should receive constitutional recognition and protection. There should be no difference in the type or classification of judicial officers. Judicial Officers should all be public servants or contract workers with a uniform treatment of remuneration/benefits. This alone will contribute to a less demoralized Judiciary.
- (2) Tenure should be afforded to all Judicial Officers.
- (3) There is an overwhelming reaction to the fact that foreigners occupy by majority Judicial Office. There is a need to ensure the Judiciary mirrors the face of the society.

### **Recommendation 125: Recruitment of Judicial Officers**

- 125 (1) There should be four positions open for Master: two for Criminal Division and two for Civil Division. Recruitment needs to be immediate.

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (2) Alternatively, assign High Court Judges to conduct case management conferences only to sort cases up to trial readiness while other High Court Judges focus on trials and delivering judgements only.
- (3) Section 95 (2) of the Constitution should be amended to provide for a Senior High Court Justice in each Judicial District.
- (4) Recruit more Judges and/or Crown Counsel and the requisite support staff for the Courts and Department of Public Prosecutions.

### *JUDICIAL CONDUCT*

#### **Recommendation 126: Expanding and Creating Clear Guidelines for Removal**

"No man is above the law and no man is below it; nor do we ask any man's permission when we ask him to obey it. Obedience to the law is demanded as a right, not asked as a favor."

- 126 (1) There should be a constitutionally recognized and protected right to hold Judicial Officers accountable for miscarriages of justice attributable to custody of matters and misconduct. This should apply to all judicial officers within the Judiciary.
  - (2) Judges should be held to constitutionally recognized Code of Conduct and subject to discipline for courtroom conduct to litigants and other professionals. There should be a clear mechanism of report/complaints and investigation to display accountability of Judicial Officers.
  - (3) A Judicial Conduct Investigations Office (within the Judicial Complaints and Judicial Affairs) shall be implemented to strictly focus on the conduct of Judicial Officers.
    - (1) No public servant or Minister should be a part of this body. (This is a safeguard to Judicial Independence and rule of law).
    - (2) Section 110F (1) of the Constitution should therefore be amended to remove from the authority of the Judicial and Legal Services Commission the power to exercise disciplinary control over persons holding or acting in such office as well as

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

the vested power to remove persons holding or acting in such office.

- (3) Section 110G should be amended to reflect that the Judicial Complaints and Affairs Body shall be the body to determine whether it is appropriate to extend any time in which a written decision or reasons for decision should be given.
  - (4) Judges must not only be ethical but also be seen to be ethical and therefore subject to meaningful correction after due process. (A clear and formal process of correction by way of apology, removal from hearing matters to which a complaint relates, suspension (with or without pay), or eventual removal from office where misbehaviour persists must be established and shared publicly).
  - (5) There shall be an automatic change of venue where there is a complaint made during any proceedings.
- (4) It should be constitutionally enshrined that complaints against Judicial Officers' conduct can amount to grounds for removal from office. Sections 93A (4), 98 (3) (d), 102 (2) (d) may be amended to include misbehaviour in the courtroom as well as misbehaviour outside the courtroom towards litigants and professionals.
- (There can be no exhaustive list of what constitutes misconduct, however, acknowledging categories of misconduct such as inventing improper remedies for cases, jailing without due process, breakdown in exercising the rule of law, hostility, shouting, offending, judicial bullying, falling asleep *et cetera* should be embodied in text so citizens can know the system incorporates balance and is not in itself oppressive in its dispensation).
- (5) The Courts should publish by every means to ensure notoriety the existence of report/complaint mechanism.
  - (6) The Court must assist litigants to formalize complaints against judicial officers and there should be a database or repository of a standardized system that houses said complaints.

**Recommendation 127: Fortifying Summary Prosecutions**

- 127 (1) Transform the Prosecutions Branch into the State Prosecution Services where Police Prosecutors are either phased out and/or receive the staff complement of Attorneys-at-Law to mentor and practice alongside to assist with Prosecutions in the Magistracy before Courts Numbers 1-4. This will assist to address the efficacy of the dispensation of justice in the Magistracy.
- (2) Open advertisement for recruitment of Attorneys-at-Law for the new State Prosecution Services.
- (3) Implement shift system for hearing of matters whereby the “Night Court” hears matters between 4pm and 8pm in an effort to reduce backlog and dispense matters quicker.
- (1) “Night Court” or any other format of the concept could address small claims or quick claims.
- (2) “Traffic Court” could be introduced and heard between 11am to 1pm and from 4pm to 6pm as a way to streamline courtroom management.
- (3) Accommodate working class who may not enjoy the convenience of taking time off work to attend virtual hearings.

***SOCIAL OUTREACH***

**Recommendation 128: Connecting the Judiciary to the People**

- 128 (1) The Court should adopt modern advancements in technology to bridge the apparent gap between the institution and the society. Facebook, Tic Toc, Instagram provide a convenient space to share information in a less intimidating manner.
- (2) The Judiciary should create an office for physical, media, and public relations outreach to organize:
- (a) link with Judiciary website that reflects the purpose, objective and goals of such an office;

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (b) introduction and sensitization of the precincts of justice and services available and accessible by the public; sharing with children and young people about court room procedure and roles and duties of Judges;
- (c) invite receiving feedback from people interacting with the system and/recommendations for improvements;
- (d) identify trends in criminal conduct and educate the public against criminal activity by informing of penalties attendant to and how public policy considerations affect/inform sentencing;
- (e) update the public on any updates about systems and processes of the Court;
- (f) information center on the existence of Legal Aid and how to access its services;
- (g) update the public by educating and sharing information involving litigation concerning public importance and specifically constitutional matters;
- (h) mentorship for children and young people who are inspired to be a part of the justice system using the venue of the Court as well as going into schools and organized and controlled community spaces;
- (i) identify and embrace community justice workers/volunteers/activists to assist and support with bridging the gap between demoralized litigants and the justice system;
- (j) explain the process to make complaints and what happens when complaints are being addressed;
- (k) show how the court factors non-discrimination and gender equality in its operations; and,
- (l) disseminate information on how the Judiciary promotes due process and the rule of law in its operation and in its treatment of its employees.



***MODERNIZATION OF JUSTICE SYSTEM***

**Recommendation 129: Restoring Integrity and Efficiency in the Justice System**

- 129 (1) The Judiciary should undertake digitization of all documents records and evidence separate from the digitization occasioned by the Apex filing system. The Vault at the High Court Registry cannot house many physical documents and records. Everything should be digitized and available for access online. Physical documents older than seven years should be stored at the Archives provided it is first digitized. The Vault is wholly inadequate for the repository it holds out to be.
- (2) Any disclosure for criminal matters originating from the Magistrate Court, the Department of Public Prosecution, or the Prosecutions Branch should be digitized and bear digitized authentication.
- (3) Strict digital chain of custody procedures should be implemented between the Prosecution Branch, Magistrate's Court and High Court and between the Judges and their Prosecutors/Marshalls/Secretaries.
- (4) Penalty and/or disciplinary procedures should be clearly provided for where documents, records or evidence are not handled according to protocol. Where loss occasions any delay or disadvantage to litigants, liability should be joint between the State and the employee to ensure that agents of the State and the State appreciate that integrity of its Justice System must be paramount.
- (5) All services, documents and procedures attendant to interaction with the Justice System (High Court Registry) must be fully digitized and accessible online. This includes, but is not limited to:
- (a) payment for services;
  - (b) access forms or other documents;
  - (c) submitting forms or other documents for processing; and,
  - (d) tracking progress of services;

**Recommendation 130: Restoring Dignity**

- 130 (1) Transform the Vital Statistics Office and other similar agencies providing judicial and legal services to fully digital services.
- (a) payment for all services available online generating electronic authentication of proof;
  - (b) application for Birth and Death certificates should be digital;
  - (c) receipt of Birth and Death Certificates should be by appointment only to facilitate pick-up;
  - (d) registration of Birth and Death must modernize relieving the society of the indignity attached to traversing between agencies as well as the indignity attached to interacting with these agencies.
    - (i) For hospital related Births and Deaths, the respective records officer or other employee should upload said record/certification onto a digital platform. Alternatively, all records produced must be shared between agencies as opposed to from one agency to citizen and then from citizen to another agency.
    - (ii) For other Births and Deaths, certification must first be obtained from a Healthcare facility or recognized Medical Practitioner attached to a Healthcare Facility which then submits electronically to a digital platform.

***ENFORCEMENT AND PROTECTION AGAINST STATE AGENCIES***

**Recommendation 131: Safeguards for Justice**

- 131 (1) There should be a constitutionally recognized agency and corresponding legislation to safeguard against abuse by the State and promoting and ensuring citizen access to Justice as follows:
- (a) The establishment of a constitutionally recognized and protected Independent Commission of Inquiry tasked with the investigation of abuse from State actors like the Belize Police Department and other

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

Security Services Departments. Further, to investigate all deaths occasioned by detention or sufficiently proximate to detention. And, to prosecute all matters connected therewith and incidental thereto.

- (b) The establishment of a constitutionally recognized and protected Office for the Administration of Justice whose primary purpose is to hold the State accountable for services and benefits to be enjoyed by citizens.

### ***RESTORING DIGNITY TO SECURITY SERVICES***

#### **Recommendation 132: Recruitment**

- 132. Security Services recruitment and promotion process should be made more objective and merit based.

#### **Recommendation 133: Training**

- 133 (1) Security Services should receive a more rigorous and continuous training for eligibility of enrolment. The period of qualification and training should be extended in order to accommodate better and thorough training.
- (2) The development of a properly documented curriculum which establishes clear criteria for Security Services promotional exams needs to be done and eligibility for promotions should be handled by a body that records and tracks service and automatic eligibility for mobility based on the established criteria.

#### **Recommendation 134: Comprehensive Health Assessment**

- 134 (1) Mandatory assessment by both Mental Health and General Medicine Healthcare Professionals must be done every six months for a determination of fitness to work.
- (2) Mental Health and General Medicine healthcare criteria for assessment must be established and sensitized.

**Recommendation 135: Liveable Wages**

135. We recommend that the wages of Security Services personnel be increased and regularly reviewed to be commensurate with the cost of living. Additionally, that the conditions of employment be reviewed to improve morale of Security Services personnel.

**Part VIII – THE PUBLIC SERVICES COMMISSION**

**Recommendation 136: Establishment as an Independent Part**

136. The Public Service be given its own Part in the Constitution entitled, “The Public Service” to contain all provisions relating to the public service.

**Recommendation 137: Composition of the Public Services Commission**

Amend Section 105 to change the mode of appointment of the composition of the Commission as follows:

137. The Public Services Commission shall be appointed by the National Assembly be comprised of:

- (a) Two (2) representatives nominated by the Prime Minister;
- (b) One (1) representative nominated by the Leader of the Opposition/Minority Leader in the House;
- (c) Two (2) representatives nominated by the National Trade Union Congress of Belize, the Belize Chamber of Commerce and Industry, the Belize Network of NGOs, and the Council of Churches. Each social partner will rotate any of the available seats on the Public Services Commission.

**Recommendation 138: Function of the Commission**

- 138 The Constitution be amended to require the Public Services Commission to be responsible for all hiring, transfers, and termination of Officers in the public service (except for appointments made in Section 107).

**Recommendation 139: Employment in Public Sector**

- 139 The Constitution should be amended to recognize only two standard ways of employment to the public sector: Permanently established and temporary employment.

**Recommendation 140: Obligation to provide Annual Report**

- 140 The Public Services Commission shall submit to the National Assembly an annual report on its performance.

**Recommendation 141: Mode of Appointment of Offices**

- 141 Ambassadors, High Commissioners and any representatives of Belize to International organizations are appointed by the (Prime Minister in the capacity as Head of State pursuant to the new formulation herein) subject to a confirmation hearing process to be conducted by a Senate Committee and approved by the entire Senate.

**Recommendation 142: Creation of Oversight Offices**

- 142 (1) The PCC recommends that a new Part be created in the Constitution to enshrine all oversight bodies recognizing them as equal partners in the development and safeguarding of our democratic principles.
- (2) Ensuring that all oversight bodies/offices should be independent in their establishment, appointment, finances and administration like the independence of the Judiciary.
- (3) Update and rationalize the qualifications, appointment, tenure, reporting and independence of these offices.
- (4) The terms for members of oversight bodies, where not specifically set out in a recommendation, shall remain as they currently exist.

**Recommendation 143: Strengthening Existing Oversight Bodies**

- 143 All oversight bodies/offices shall be paid at the level of a Justice of the High Court of Belize.

*Office of the Auditor General*

**Recommendation 144: Qualification and Term of Auditor General**

- 144 (1) The Constitution be amended to require the Auditor General to hold qualifications in the fields of Accounting, Auditing, or Public Finance and to have at least 10 years of relevant work experience.
- (2) The Auditor General be given a fixed term of 10 years.

**Recommendation 145: Powers of Auditor General**

- 145 The Auditor General be given powers to present its own budget and staffing plan to the National Assembly and for this budget to have priority call on the Consolidated Revenue Fund. Where the Auditor General's office needs additional finances, the Ministry of Finance shall de-reserve those funds within 14 days of the Auditor General's request.

**Recommendation 146: Expand reporting obligation of Auditor General**

- 146 The Auditor General continue to be constitutionally required to produce an annual report on the audit of the public accounts and that the Auditor General conduct special reports on matters referred to it by a motion passed in the Senate or from the Joint Public Accounts Committee.

**Recommendation 147: Amend Section 120 to provide recourse for non-compliance**

- 147 (1) The National Assembly pass legislation implementing punitive measures on the Chief Executive Officer/Permanent Secretary and the department's chief Accounting Officer for non-compliance or undue delay with requests made by the Auditor General.
- (2) Where the Auditor General does not receive the information requested, the Auditor General shall have access to the Government's Smart Stream system and an audit of those transactions shall be conducted and published.

**Recommendation 148: Power of the Senate and Joint Public Accounts Committee**

- 148 (1) The Constitution be amended to give powers to the Senate and the Joint Public Accounts Committee to trigger the mechanism for the Belize Advisory Council to investigate the Auditor General when an allegation of non-performance is made.

*Office of the Director of Public Prosecutions*

**Recommendation 149: Amend Section 108 to clarify operations of the Office of Department of Public Prosecutions**

It is recommended that the Constitution be amended to include provisions that set out the Office of the Director of Public Prosecution in greater detail as follows:

- 149 (1) Address budget as priority not just priority call.
- (2) Oversight shall come from Attorney General's office in extraordinary cases/situation maintaining independence of the Director of Public Prosecution's office.
- (3) A fixed term for Director of Public Prosecution (2 term limits of 5 years each maximum).



## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (4) Change qualification to be able to practice law in Belize, be a Belizean and have a criminal practice background of 5 years and advocacy experience and a minimum age of 30 years and no older than 65 at the end of their term.
- (5) The Director of Public Prosecution is subject to discipline and uphold a Code of Conduct established and set out under Judiciary.

### *Offices of the Contractor General and Ombudsman*

#### **Recommendation 150: Constitutional Protection for the Contractor General and the Ombudsman**

150. The Contractor General and the Ombudsman should be placed in the Constitution and set on the same basis as the Auditor General in terms of the independence of the offices and their budgetary independence.

**Sub-Part II – THE SECURITY SERVICES COMMISSION**

**Recommendation 151: Composition of Commissions**

151 (1) The Security Services Commission be comprised as follows: -

- (a) The Chair appointed by the Prime Minister;
- (b) 1 retired senior representative appointed by the Belize Defence Force;
- (c) 1 retired senior representative appointed by the Belize Police Department;
- (d) 1 retired senior representative appointed by the Belize Coast Guard; and,
- (e) 1 social partner appointed on a rotational basis from among themselves.

**Recommendation 152: Commission to Submit Annual Report**

152 The Security Services Commission and the Judicial and Legal Services Commission will be required to submit to the National Assembly an annual report on its performance. This is keeping with the reporting requirement recommended for the Public Services Commission. These persons would sit for a term of 3 years and be eligible to be appointed for a maximum of three terms.

**Recommendation 153: Amend Section 107**

*Offices*

153. The Commissioner of Police, Superintendent of Prisons, Commandant of the Belize Defence Force and the National Coast Guard, the Solicitor General, Financial Secretary be removed from Section 107 and be appointed by the Public Services Commission.

**Recommendation 154: Amend to limit the power of Head of State**

- 154 Amend Section 107 to remove the ability of the Head of State to designate more offices that can be appointed by this section.

*Teaching Service Commission*

**Recommendation 155: Constitutional Recognition of the Teaching Services Commission**

155. (1) The Teaching Services Commission be included in the Constitution while retaining its current composition.

## **Sub-Part V – Pension Laws and Pension Rights of Public Officers**

### **RESTRUCTURING THE PENSION SYSTEM**

#### **Recommendation 156: Create a Policy to Resolve Pension Dispute**

The recent dispute between public officers and the Government over pensions reveals the weakness of the current system of government pensions for public officers. Restructuring the pension system, however, was decided to be within the province of public policy and could not be resolved by any Constitutional amendment.

#### 1. Dispute Resolution

- (a) The Government of Belize shall produce a full and transparent, independent accounting of all unpaid pension obligations to public officers under Part V of this Constitution [Sections 112 and following] not later than one hundred eighty (180) days before this Section becomes effective, and the National Assembly, by recorded vote, shall approve a schedule for payment of all such unpaid pensions into the personal retirement accounts of those to whom the pension funds are owed.
- (b) A person aggrieved by the Government's accounting may seek judicial review not later than ninety (90) days after the independent account is published in the Gazette.
- (c) Pensions not being paid within a prescribed period is deprivation of property

#### 2. Pension Options/Proposals

The Government of Belize is invited to consider the following pension proposals to amend and/or add a new Sub-Part V(A) as follows:

- 112A (1) The National Assembly shall, by law, provide that all persons lawfully employed in any trade, business, or profession in Belize can access and contribute to a retirement savings account of their choice that provides savings for their retirement, disability, or a death benefit for their family.

#### Commendation 1: Private Company Retirement Plan

Employers may contribute to the retirement savings of their employees and may charge such contributions as a cost of doing business.

#### Commendation 2: Self Employed Retirement Plan

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

Self-employed individuals, artisans, and professionals shall contribute to their own retirement savings and may charge such contributions as a cost of doing business.

### Commendation 3: Public Service Retirement Plan

The Government of Belize shall contribute to the retirement savings of all public officers as a percentage of their compensation in accordance with the contribution to be made by the Public Officer, with a payment schedule adopted by recorded vote in the National Assembly.

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

### Commendation 4: Individual Retirement Plan

Parents and grandparents may establish retirement accounts for their children and grandchildren, and any family member or person may contribute to the retirement savings of a minor child.

- 112 (2) Retirement accounts existing at the time that Part V(A) becomes effective or are established after its effective date shall, by law, have the following characteristics:
- (a) Retirement accounts are the personal property of the person in whose name the account is opened, and the account owner shall have the right and duty to name one or more beneficiaries or contingent beneficiaries who will receive the funds in the account in the event of the account owner's death.
  - (b) The funds in a personal retirement account may not be transferred to, or encumbered for the benefit of, any person or entity during the life of the account owner, nor shall the investment or interest income earned in retirement funds be taxable.
  - (c) Retirement accounts may be offered only by qualified banks, financial, investment, and insurance companies, who, by offering or administering such accounts, undertake a fully transparent, fiduciary duty of good faith and fair dealing with each account-holder.
  - (d) Upon the retirement, disability, or death of the owner, the payments from the account shall be exempt from all taxes, levies, or other charges by or on behalf of the Government of Belize.
  - (e) The National Assembly, by law, shall devise a uniform and fully transparent regulatory structure for the administration of retirement accounts; for the qualification of fiduciaries and investment advisors; and for the qualification of banks, financial, investment, or insurance companies that seek to offer or administer retirement accounts.

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (f) Neither the Government of Belize, nor any entity owned or controlled by the Government, may offer or administer retirement accounts, nor may the Government by law, regulation, or practice, create or sustain any preference or monopoly in the market for offering, administering, or oversight of retirement accounts.

**Part IX – FINANCE**

BUDGETARY GOVERNANCE

**Recommendation 157: Budget Preparation and Allocation**

- 157 (1) Establish a Budget and Management Committee of the National Assembly to formulate, evaluate, and budget across various government departments. It entails establishing guidelines and frameworks that align with the organization's objectives while considering fiscal constraints and priorities.
- (2) This Budget and Management Committee is required to draft a budget resolution, agreed to three months before April 1 of each year, which establishes total targets in five budget areas: authority; outlays; revenues; surplus or deficit; and public debt. The resolution also sets budget authority and outlay targets for the spending categories. This budget office shall produce independent, nonpartisan, analysis of economic and budgetary issues to support the National Assembly deliberation in the budgetary process.



## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (3) Spending can be mandatory, discretionary and supplemental. Mandatory represents the greater majority of the budget.
- (4) The Constitution be amended to include a provision identifying a date for the presentation of the national budget and a requirement that debates in the National Assembly on the Budget should not occur before 6 weeks from the presentation of the budget have elapsed.
- (5) That the Constitution should establish February 1 as the fixed date for budget declaration, creates a predictable and transparent process, ensuring that all stakeholders, including citizens, have ample time to examine the budget details.
- (6) The Constitution be amended to require the Minister responsible for Finance to ensure that the Estimates of Revenue and Expenditure contain comprehensive financial and non-financial details to ensure transparency and accountability.

### **Recommendation 158: Treatment of Tax Collection**

- 158 (1) All taxes collected by statutory bodies shall be deposited into the Consolidated Revenue Fund.
- (2) Each statutory body shall submit their annual budget, to the National Assembly six months prior to the commencement of their fiscal year of operation for consideration and approval.
  - (3) Amend the Tax Code to state that chargeable income of a person who proves to the satisfaction of the Commissioner that during the basis year the person has made absolute and immediate gifts taking effect in Belize, for ecclesiastical, charitable, educational, or cultural purposes or for the improvement of amenities in towns or villages, shall be allowed a deduction of the amount of such gifts.
  - (4) No deduction under the Section above shall be taxable to the beneficiary (recipient) of the donation.

**Recommendation 159: Budgetary Proposal**

159 The Constitution be amended to establish a limit on the value of supplementary appropriation bills (in the form of a percentage of the national budget) and allow that ceiling to be exceeded in the case of natural disasters or national emergencies. The National Assembly should also have to approve any supplementary appropriation bills before it can withdraw money from the Consolidated Revenue Fund for reasons other than natural disasters or national emergencies.

**Recommendation 160: Spending limits and provision for impasse**

160 Amend Section 116 by :

- (1) Setting a cap on the quantum that could be spent monthly in advance of the passage of the budget, such as 1/12 of the previous year's budget and supplementary budgets combined that were previously passed;
- (2) Limiting this spending to recurrent expenditures only; and,
- (3) Having monthly reporting requirements by the Minister of Finance on what was spent during the period that these advances are spent before the appropriation law is passed.

**Recommendation 161: Contingency Fund**

161 Amend Section 117 by:

- (1) Removing the reference of "as soon as possible" in Section 117(2) and replacing it with "at the next meeting of the House of Representatives".
- (2) Placing a requirement for the Government to allocate 1% of the national budget to the Contingency Fund on an annual basis.

**Recommendation 162: Debt-to-Gross Domestic Product Ceiling**

162. When the national debt exceeds 90% of Gross Domestic Product (GDP), the government shall not increase appropriations or borrow funds without explicit parliamentary approval and a detailed plan to reduce the debt ratio. The government may temporarily deviate from the established fiscal rule referred to in this Section in the event of severe economic downturns, or natural disasters,

national emergencies, or other exceptional circumstances that significantly impact the nation's economy.

## **SOCIALLY FUNDED PROGRAMMES REPORTING**

### **Recommendation 163: Creating audit and oversight**

163. (1) All short- and long-term social programmes created by the Government using public funds should be overseen by a multi sectoral Commission to ensure that the criteria for beneficiaries to these programmes are objectively and consistently applied regardless of race, colour, ethnicity, creed, disability or sex, and that accountability of these programmes is guaranteed. The Commission should include members representing the Social Partners of Belize.
- (3) The Auditor General should be required to submit a Special Audit on all publicly funded social programmes every 3 years.

## **WHISTLEBLOWER PROTECTION**

### **Recommendation 164: Constitutional Protection for Whistleblowers**

- 164 (1) Enshrine whistleblower protection in the Constitution.

#### Definition of Whistleblower

- (2) A "whistleblower" is any person or contractor or body corporate or any other entity who discloses information that exposes any form of corruption or violation of law.

#### Immunity

- (3) No adverse action can be taken against a person who discloses evidence he or she reasonably believes shows
- (a) a violation of any law, rule, or regulation, or
  - (b) gross mismanagement, gross waste of funds, an abuse of authority, or substantial and specific danger to public health or safety.

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

### Confidentiality

- (4) Whistleblowers' identities and the person to whom they disclose the information must be protected.
- (5) No whistleblower shall be punished, penalized, demoted, transferred, or otherwise dealt with in any way as retaliation or punishment as a result of whistleblowing.

### Exceptions

- (6) Protections for whistleblowers shall not apply in matters concerning strategic or proprietary information of the national security apparatus.

## ESTABLISHMENT OF NEW OVERSIGHT OFFICES

### **Recommendation 165: Establishment of the Office of the Constitution**

- 165 (1) The Office of the Constitution shall have the following functions:
- (a) The education of the citizenry on the Constitution and the process of governance. This is not restricted to ensuring that the curriculum of primary, secondary and tertiary schools carry the materials and instruction, but also that there is continuous communication with the public on topics concerning the Constitution;
  - (b) Constitution drafting jurisdiction (controlling the Constitution itself) by (1) adjudicating issues arising in the Constitutionmaking process (2) initiating or requiring legislation that give life to the Constitution, (3) reviewing the constitutionality of laws in advance of legislation, (4) reviewing the constitutionality of constitutional amendments;
  - (c) Reviewing proposals, treaties, regional and international membership to foreign bodies and report its findings to the Senate;
  - (d) Adjudicating the proceedings of referenda on national and local matters, including the wording, plebiscite process, and the declaration of the results.
  - (e) Supervising the administration and ensuring the proper functioning of all commissions, agencies, statutory bodies, and requiring of them whatever is necessary to comply with the Constitution.

**Recommendation 166: Establishment of Other Offices**

166. There shall be the establishment and inclusion in the Constitution the following properly staffed offices:
- (a) National Institute for Human Rights as a mechanism to protect and advocate for rights as a layer before going to Court.
  - (b) Office of the Child's Advocate, aiming to ensure constitutional protections while upholding the child's best interests under the Convention on the Rights of the Child.

**Part XIII Government Control over Public Utilities**

MAJORITY SHARE

**Recommendation 167: Government to Maintain Majority Share in Public Utilities**

- 167 (1) Government of Belize should always retain a 51% majority share of Public Utilities.
- (2) Government should apply varying costing (poorer areas pay less).

**OTHER MATTERS**

1. Language (Official languages of the State)

- (a) There were views expressed that the official languages of Belize be expanded to include Spanish which shall be included in the National Curriculum at all levels.
- (b) There were views expressed to the Government of Belize that due consideration and effect should be given to the language of dispensation of education to citizens whose first language is not English. For example, teaching the curriculum should include the teaching in and the teaching of Maya, Garifuna, Spanish and any other language recognized nationally.

2. Right to Life

There were views expressed that the definition of life be expanded to state life means from conception to natural death.

3. Retirement Age in the Judiciary

There were views expressed that the Government of Belize should consider whether it is ripe for review the constitutionally required retirement age for members of the Judiciary. The recent amendments to the Constitution regarding delivery of judgements and Recommendation 126 herein create the ideal environment where Judges could work beyond the age restriction of the current Constitution.

In addition, the Government of Belize may consider removing or increasing the retirement age to enable jurists to contribute to the dispensation of justice despite age. (Reference is made to the recent inconveniences occasioned when shortage of jurists could not be filled from among local attorneys on account of age).

4. PART X Miscellaneous

(1) There were views expressed that Section 121(1) remains unenforceable and should –

(a) attract enforceability;

(b) the categories provided should be expanded to include

(i) financial gain; and

(ii) any act done or things said, or things said and done together to influence or undermine the independence of an office holder, or influence or undermine the outcome, interference, or disruption of elected or appointed officials;

(Collaboration and engagement with Social Partners or Stakeholders exempted).



## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

(c) be independently legislated; and

(The India Model for code of conduct is commended to the Government of Belize. The ultimate goal is for an enforceable code of conduct and see government officials and public servants held to account for untoward behaviour).

(d) referenced in the Constitution to ground enforceability.

- (2) Views were expressed that the Government of Belize read Recommendation 138 with reference to Sections 123 and 124 of the Constitution to appreciate that the Public Services Commission is empowered to discharge the responsibilities in Section 123.
- (3) (a) Views were expressed that the Government of Belize should consider that the proviso in Section 125(1), under this new Constitutional formulation, will not apply to all offices.
- (b) Views were expressed that Section 125 (2) is not practical when read along with Recommendations 138 through to 141; therefore, this subsection does not need to be retained. Additionally, the Government of Belize should give consideration to repeal Section 125(2).
- (4) (a) Views were expressed that Section 126(1) and (2), in reading it along with Recommendation 89 (1), triggers a by-election which should take place within two months.
- (b) Views were expressed that in relation to Section 126(3) -

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (i) the proviso is repealed;
  - (ii) resignation becomes effective immediately upon receipt of said resignation in writing.
- (5) Views were expressed that Section 127 should be preserved.
- (6) Views were expressed that Section 128 should be preserved insofar as it should not trespass on Recommendation 54 herein.
- (7) Views were expressed that the Government of Belize reconsider Section 129 of the Constitution for the following reasons:
  1. consultation should be meaningful;
  2. contribution from consultation should be reduced to writing;
  3. adequate notice of no less than ten (10) working days should be given to invite consultation;
  4. any decision taken after consultation should factor in the said consultation; and,
  5. where a decision is made independent of or contrary to informed consultation such decision must be subject to judicial review.
- (8) Views were expressed that the National Seal referenced in Section 130 of the Constitution should be identified and illustrated in another Schedule to the Constitution.

### 5. Interpretation

1. Views were expressed that the Government of Belize should consider terms to be defined and included in Section 131 of the Constitution:

*“Belize”* should be defined to include an indication of Belize’s boundaries be clearly depicted and demarcated. The Range of Cayes and “, all other Cayes lying within and along the Barrier Reef” listed in Section 2 should be specifically stated and/or listed so that comprehensive appreciation could be had of all the Cayes and the names of the Cayes within the territory.

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

*“Commonwealth citizen”* should be deleted because the term is no longer relevant in the new formulation of the Constitution based on the recommendations.

*“Crown”* should be deleted since the new formulation contemplates departure from the monarchy. The PCC commends to the Government of Belize that the term “State” should replace “Crown.”

“Minister” under the new formulation refers only to a person appointed by the Prime Minister to serve in the Cabinet.

*“Member of Parliament”* refers to any elected Area Representative or Senator who forms part of the National Assembly.

*“Public Officer”* should not be interchangeable with, nor include, the term “servant.”

*“Public Service”* should remove from the definition the term “Crown” and replaced with the term “State.”

*“pursuit of happiness”* is referenced in Section 6(2)(c)(vi)(dd) of the People’s Constitution Commission Act, 2022, without any assistance as to what the term means or the extent to which the pursuit of happiness is enjoyed and protected. Additionally, the Government of Belize should define and qualify what the term means and state whether it applies in both private and public law.

2. Views were expressed that Section 131(2) should be repealed because Recommendations 87 and 89 provide that the officers mentioned therein will come from among the elected members of the House.
3. Views were expressed that the reference to “Governor General” in Section 131(3) should be deleted and replaced with “Prime Minister.”
4. Views were expressed that Section 131(4) should be repealed because Recommendation 90 (9)(b) does not distinguish the category as not enjoying public office; and, the code of conduct applies to them equally.
5. Views were expressed that Section 131(4a) (b) be revised to remove the term “Chief Executive Officer” and the highest serving public servant in any Ministry will be referred to as the “Under Secretary”.

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

6. The reference to “Crown” in Section 131(5) should be replaced with the term “State.”
  7. The references to “Governor General” and “Crown” should be removed from Sections 133, 134(3), and 135(1)(2) to be substituted with “Prime Minister” and “State” respectively.
- 
6. Part XI Transitional Provisions
    1. Views were expressed to remove the transitional provisions that are no longer relevant from the Constitution.
    2. Views were expressed that caution be exercised when contemplating constitutional amendments. The new formulation is contained in Recommendation 96.
- 
7. Part XII Repeal and Date of Commencement
    1. Views were expressed that any such Section 141 should be informed by the new formulation of the Constitution proposed, and the date of commencement is reflected after the referendum process.
    2. Views were expressed that Section 142 be deleted since it would no longer apply.
- 
8. Part XIII Government Control over Public Utilities
    1. Views were expressed that an expansion of the definition of “public utilities” should include that public utilities shall be national assets.
    2. This supports the view that no public utility should be a private entity or a majority owned foreign entity.
- 
9. Elections
    1. It was suggested that, for democratic purposes, constituencies with a single electoral candidate should have a vote threshold that must be met in order for the candidate to represent the constituency.

## **OPERATIONALIZING PROVISIONS**

### **1. Quality Outcomes for Education**

Along with protecting the right to education, the Constitution should promote that schools provide a high-quality education. Several conditions must be satisfied to deliver proper instruction, namely: infrastructure, curriculum, qualified staffing, proper funding, competency-based assessments, and inclusion of national values and morals. Although many of these are matters of education policies, it is appropriate to include such a subsection that mandates the adoption of the requirements by which schools will be able to provide a high-quality education.

### **2. Charter of Rights**

The PCC deliberations on the Fundamental Rights recommend that the current and future Statement of fundamental rights be condensed by the Office of the Constitution into a Charter of fundamental rights with explanatory notes. This Charter should be updated with the local jurisprudence and published both electronically and in print at least once every two years.

This booklet should be accompanied by companion booklets which condense the other sections of the Constitution. These booklets should be in simple language and should form a part of the curriculum in all schools.

The condensed versions/booklets should be published, in print as well as any electronic media (including applications) to ensure as broad a circulation as possible.

### **3. Sovereign Wealth Fund**

#### **Models for Consideration**

There is a very large body of literature on “the oil curse” – the term given to the waste, corruption, and other consequences that often occur when a country is blessed by vast amounts of hydrocarbon resources. Fortunately, there is also a wide range of experience across the world from which to draw advice and encouragement.

Two of the most successful models are found in the Norwegian State Oil Trust and the Alaska Permanent Fund.

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

- (1) Norwegian State Oil Trust is currently the largest sovereign wealth fund in the world and is considered the most transparent. It has a perfect transparency score: (10 out of 10). It is worth about BZ\$3.5bn (NOK 18bn; US\$1.65bn) or nearly BZ\$636 for each of Norway's 5.5 million citizens.
  - (a) *The assets are held in trust for all the people of Norway to capture the wealth generated by Norway's oil and gas resources and to preserve that value for both current residents and future generations.*
  - (b) *The principal of the Trust may not be spent. Up to four percent (4%) of the fund's annual return can be transferred to the budget of the Royal Norwegian Government.*
  - (c) *Officially, the framework of the Norwegian State Oil Trust is defined in the legislation governing the Norwegian Government Pension Fund.*
  
- (2) The Alaska Permanent Fund is currently valued at about US\$80.182 bn, or approximately USD\$109,299.00 for each of Alaska's 733,583 citizens. Like Norway's Pension Fund, the Alaska Permanent Fund has a perfect transparency score (10 of 10).
  - (a) *The Alaska Permanent Fund was created by the Alaska Constitution. Article IX §15 provides that:  
  
At least 25 percent of all mineral lease rentals, royalties, royalty sales proceeds, federal mineral revenue-sharing payments and bonuses received by the State be placed in a permanent fund, the principal of which may only be used for income-producing investments. All income from the permanent fund shall be deposited in the general fund unless otherwise provided by law.*
  - (b) *The principal of the Alaska Trust [currently USD\$56.9bn] may not be spent, but earnings may be spent by the Legislature for any legitimate public purpose, including annual cash dividends for the citizens of Alaska.*
  - (c) *Unlike the Norwegian fund, the Alaska fund pays annual cash dividends to each citizen. In 2023, the dividend was USD\$1,312.00 for each of Alaska's 733 residents who were otherwise eligible to participate.*

#### **4. Guidelines on Human Data Collection**

Fair Information Principle and Collection Limitation Principle

## PEOPLE'S CONSTITUTION COMMISSION RECOMMENDATIONS

---

There should be limits to the collection of personal data and any such data should be obtained by lawful and fair means and, where appropriate, with the knowledge or consent of the data subject.

*Data Quality Principle: Personal data should be relevant to the purposes for which they are to be used, and, to the extent necessary for those purposes, should be accurate, complete and kept up-to-date.*

*Purpose Specification Principle: The purposes for which personal data are collected should be specified not later than at the time of data collection and the subsequent use limited to the fulfilment of those purposes or such others as are not incompatible with those purposes and as are specified on each occasion of change of purpose.*

*Use Limitation Principle: Personal data should not be disclosed, made available or otherwise used for purposes other than those specified in accordance with Paragraph 9 except:*

- (a) with the consent of the data subject; or*
- (b) by the authority of law*

*Security Safeguards Principle: Personal data should be protected by reasonable security safeguards against such risks as loss or unauthorized access, destruction, use, modification or disclosure of data.*

*Openness Principle: There should be a general policy of openness about developments, practices and policies with respect to personal data. Means should be readily available for establishing the existence and nature of personal data, and the main purposes of their use, as well as the identity and usual residence of the data controller.*

### *Individual's Rights:*

- (1) to obtain from a data controller, or otherwise, confirmation of whether or not the data controller has data relating to them;*
- (2) to have communicated data relating to them;*
- (3) provided within a reasonable time;*
- (4) limit charges if any*
- (5) reasonable and intelligible.*

Redress

Court challenge relating to any misuse of the above data and if the challenge is successful, have the data erased, rectified, completed or amended.

*Accountability Principle: A data controller should be accountable for complying with measures which give effect to the principles stated above.*

**5. Protection of Children/Age of Consent**

There are various legislative frameworks in Belize concerning adolescents. A significant challenge has been the contradictory definitions, particularly for the term "child," and the varying ages of consent for marriage or common-law unions.

*The Families and Children Act 1999 defines a child as a person 16 years or under.*

*The Summary Jurisdiction (Procedure) Act defines an adult as any person of 16 years of age or over and a child as a person under the age of 14 years.*

*The Criminal Code by default establishes the age of sexual consent at 16 years*

*The Marriage Amendment Act 2005 establishes the legal age of marriage at 16 years with parental consent.*

*On February 2, 2024, the National Assembly of Belize passed legislation to raise Belize's compulsory education age to 16*

*Belizean citizens are entitled to vote in an election at age 18.*

*Under the Belize Marriage Act 2011, the minimum age of marriage is 18 years.*

Increasing the consent age is a way to protect children from any form of abuse. Increasing the age of consent from 16 to 18 is a good starting point for promoting a safe environment that protects children. First, the law now requires educational institutions to keep children in school up to age 16, therefore there is incompatibility with the age of consent and the legal requirement at age 16. A child at 16 to 18 is not mature enough to engage in sexual relationships because their personality is not fully developed. Having sexual relationships when the character is not physiologically or psychologically developed might have a tremendous negative impact on the last stages of personality development.



Secondly, raising the legal age to 18 is likely to help discourage adolescent pregnancy. Teenagers are not ready to become parents so early in their lives. Belize wants the next generations of parents to be better equipped emotionally [DT3] —for this; it is fundamental that teenage girls do not get pregnant at that age. Increasing the legal age of consent shall help to create awareness that children should not engage in these activities: on the one hand, because of the impact on their emotional life and, on the other, because children are not ready to become parents.

Statistics show that children in Belize suffer from domestic violence and also from sexual abuse. Raising the legal age to 18 might help to create awareness that children—even at ages 16 to 18—need to be protected and not abused. Given that the law also has a pedagogical function, the new legal standard might contribute to making adults understand the seriousness of crimes against sexual inviolability, especially when the victim is a child. The crime is no less serious if the victim is 16 or 18 years old.

## **6. Publication and Circulation of the Constitution**

This booklet should be accompanied by companion booklets which condense the other sections of the Constitution. These booklets should be in simple language and should form a part of the curriculum in all schools.

The condensed versions/booklets should be published, in print as well as any electronic media (including applications) to ensure as broad a circulation as possible.