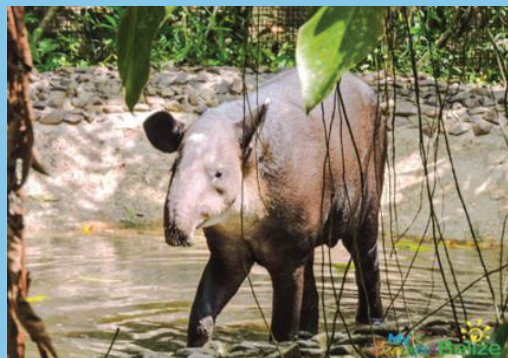


THE OMBUDSMAN ANNUAL MID-YEAR REPORT 2023





2023 ANNUAL MID-YEAR REPORT

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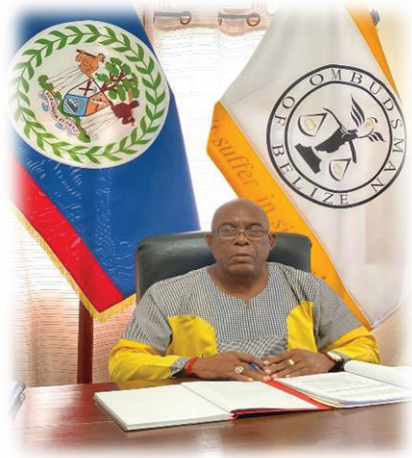
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OMBUDSMAN'S REMARKS

Hon. Major (Ret'd) H. Gibert Swaso, Ombudsman of Belize

I am very pleased to present this Mid-year Report for the Office of the Ombudsman. The Office of the Ombudsman, after two (2) years of dormancy, was re-operationalized in early February of this year. Since that time, the office now has its full competent staff of seven (7) members, inclusive of the Legal Office, Investigator, Records & Research Officer, and the Secretary. Together we have embarked on a deep dive into the current state of affairs while consulting with other stakeholders with a view to ensure that the office of the Ombudsman is more effective and efficient in carrying out its legally mandated functions to everyone across the various sectors of society throughout the entire country.

This mid-year report will demonstrate the work that we have undertaken in the first six months of this year. This report will also take a sneak peek at the last two reports in order to showcase the magnitude of work done within the time that the Office of Ombudsman was re-operationalized.

Upon assuming office, it was identified that besides the driver/security officer and the charlady, there were no other employee present as they have either resigned and/or opted to terminate their services at the office of the Ombudsman. Essentially, there was no presence of the officers who are vital for the continuity and efficient functionality of the office. Not having any of these supporting officers present rendered the Office with no institutional memory or business continuity. This situation, however, presented an opportunity to start new, thus growing together as a team with no internalized biases. The team when appointed and assembled hit the ground running towards a goal of service and efficiency.

A total 87 complains are lodged at the Office of the Ombudsman up to the end of this reporting period (30 June 2023). These included at least three (3) unprecedented complaints. We have also seen several cases where retired public officers are not paid their retirement benefits on time or upon their retirement from the public service. This apparent systemic maladministration must be addressed urgently in order to prevent any undue hardship to the lives and livelihood of the retired officers.

The Office of the Ombudsman while focusing on investigating complaints, also had the opportunity to participate in important trainings and consultation sessions which are vital to the personal and professional development of the Staff. We were also involved in

discussions pertaining to the establishment of a National Human Rights Institute (NHRI) of Belize which is designated to be lodged within the Office of the Ombudsman. Similarly, discussions have also been held regarding the involvement of the Office of the Ombudsman on United Nations Convention Against Corruption (UNCAC).

As part of our outreach programme, we consulted with the Justice of the Peace (JP) Association with a view to collaborate, by getting the JPs to assist the potential Complainants to formulate and lodge complaints within the respective municipalities. Consultations were also held with the respective Mayors with the hope of getting their support so that clinics may be held within the respective municipalities thus providing the would-be complainants direct access to the Office of the Ombudsman. Additionally, the office of the Ombudsman procured a cell phone with a number which is now our WhatsApp service thereby giving the Complainants another avenue to access the Office of the Ombudsman.

As we march forward in this year of advocating for fairness and justice, my team and I would like to extend our most sincere gratitude to all who have contributed and continue to contribute to our successful investigations. We would also like to inform our stakeholders that given the complex nature of our legal obligations, we have embarked on a journey to develop a much-needed strategic plan 2023 – 2028. We look forward to continue to assist in resolving administrative issues in new and innovative ways while we continue to be a steadfast resource for all. We accepted the challenge and resolve to excel in our service to all.

With all best wishes. God bless.

Hon. Major (Ret'd) H. Gilbert Swaso
Ombudsman of Belize



INTRODUCTION

THE OFFICE OF THE OMBUDSMAN

The Office of the Ombudsman finds its origin in the country of Sweden where the first ombudsman was appointed in 1807. The Office plays a crucial role in achieving good governance and public administration. In Belize, the Ombudsman’s Office is governed by the **Ombudsman Act Chapter 5 (“OA”)**, which was passed by the government in April 1994. However, it was not until five years later that the Act was enforced, and the office was established in July 1999. Thereafter, the Office officially opened its doors on August 25th, 1999.

As a neutral third party neither swayed nor influenced by the public authority in question nor the complainant, the Ombudsman objectively views the circumstances of complaints and identifies any existence of maladministration. The Ombudsman is empowered by the Ombudsman Act to investigate allegations where a public authority is believed to be guilty of abuse, injury, injustice, corruption and/or wrongdoing. The Act further empowers the Ombudsman to make recommendations based on the findings of his investigations so as to correct systematic flaws and to adequately address individual officers who are found to be guilty of these acts. Where his recommendations are not adhered to, the Ombudsman may make special reports to the National Assembly.

A “public authority” is defined by the Act as a Ministry, department or agency of the Government; the Belize Police Department; a City Council or Town Council; or other statutory bodies or authorities, inclusive of any company registered under the laws of Belize in which the Government or an agency of Government holds not less than fifty-one per centum of the ordinary shares, which is declared by resolution of each House of the National Assembly to be an authority for the purposes of the Act.

THE OMBUDSMAN AND THE FREEDOM OF INFORMATION ACT.

Under this heading, all sections of law cited are in reference to the **Freedom of Information Act, Cap. 13 (“FOIA”), Revised Edition, 2020.**

The Freedom of Information Act Cap 13 (“FOIA “) was enacted in 1994 and grants members of the public a general right to the access of Official documents in the possession of public bodies or authorities (**Section 9**).

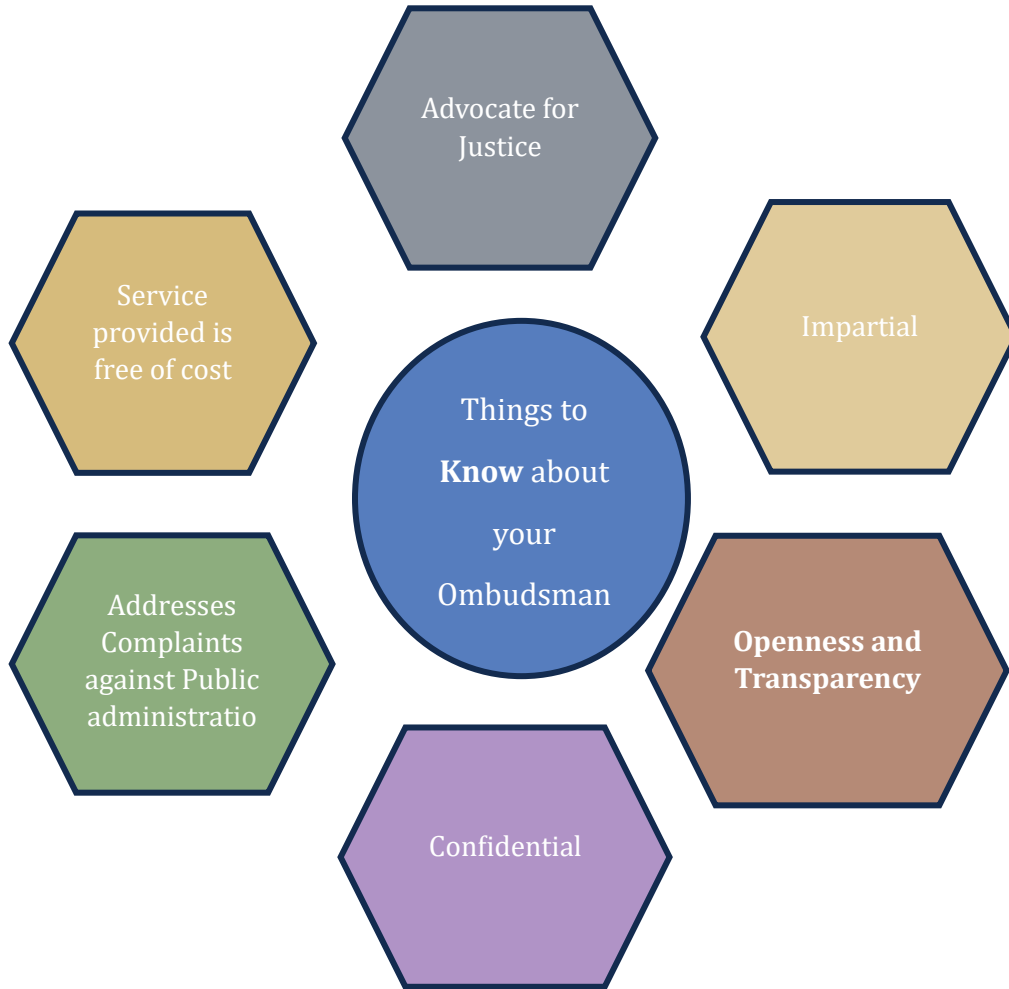
Section 35 of the **FOIA** empowers the Ombudsman to review the decisions of public bodies with regards to granting access to a document by a request or deferral of access where an application is made.

Under **Section 16**, the Act stipulates that public authorities must take all reasonable steps to inform an applicant of its decision and do so as soon as practical but no later than fourteen (14) days from the date the request was made. Further, where the public authority denies the request, the Act mandates that a response in writing detailing the reasons for the decision is sent to the applicant (**Section 21**).

Where the public authority fails to respond within the time stipulated by the Act, or the Applicant believes that the reason given for refusal of access was unsatisfactory, the applicant can apply to the Ombudsman to review the decision pursuant to Section 35.

The Office of the Ombudsman therefore steps in as a mediator to ensure that the information requested is delivered or where there are reasonable grounds to deny such an application that this is properly communicated to the applicant. The Office of the Ombudsman essentially ensures that the provisions of the **FOIA** are adhered to as it relates to requests being made to public bodies or authorities.

Six key features of the Ombudsman

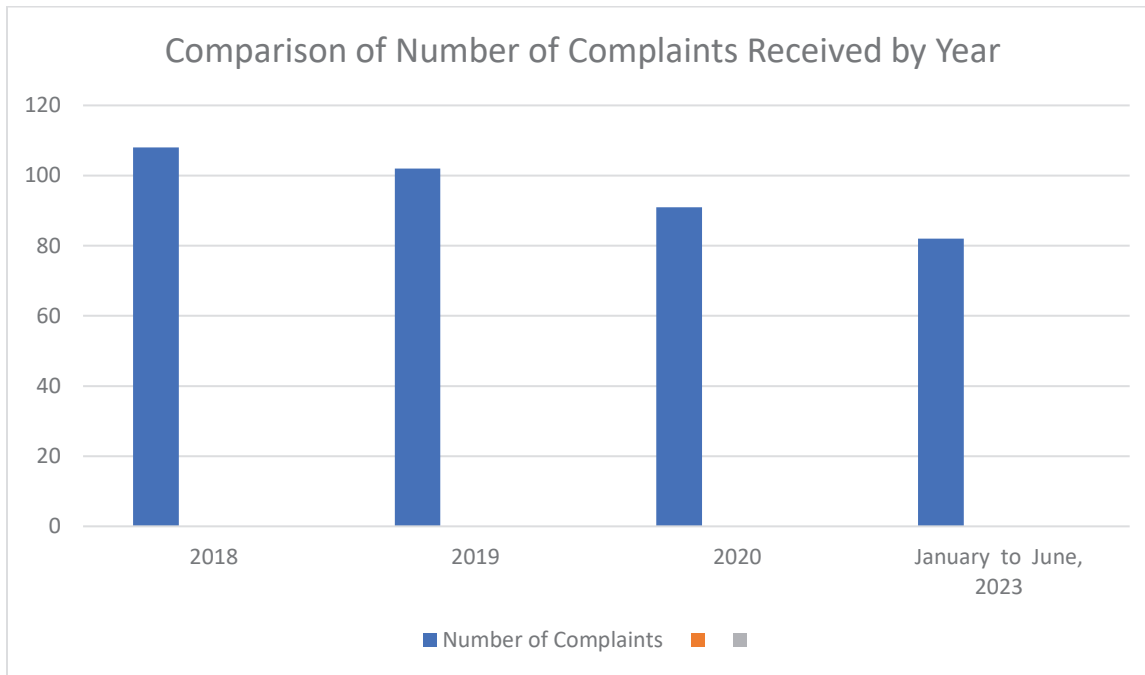


Executive Summary

- 1) During the period 1st January 2023 to 30th June 2023 (hereinafter called the “Mid-Year reporting period”) the Office of the Ombudsman has received and recorded for investigation **eighty- seven (87)** new complaints of corruption, injustice, wrongdoing, injury, or abuse during this year’s reporting period.
- 2) Of the eighty – seven (87) new complaints received, eighty-two (**82**) were made against a variety of governmental authorities, including ministries, departments, statutory bodies and city council(s), while **Five (5)** complaints were made against private persons.
- 3) Most complaints recorded were made by people seeking Legal Advice.
- 4) Of the **87** new complaints received **61** cases were from the **Belize District, Cayo 17, Dangriga 5, Orange Walk 3, and Corozal** with **1** complaint.
- 5) Most of the complaints received were from female complainants who were between the ages of **16** and **71** years of age.
- 6) Of the **87** new complaints received, **36** were designated as closed during the reporting period. This means that they were dealt with in their entirety and that a solution was reached; **32** complaints are actively being investigated; and **19** are pending further review or details.
- 7) There were no new applications for review made under the **FOIA**.

STATISTICAL INFORMATION. MID-YEAR REPORT 2023

Statistical Report for the Reporting Period of January to June, 2023

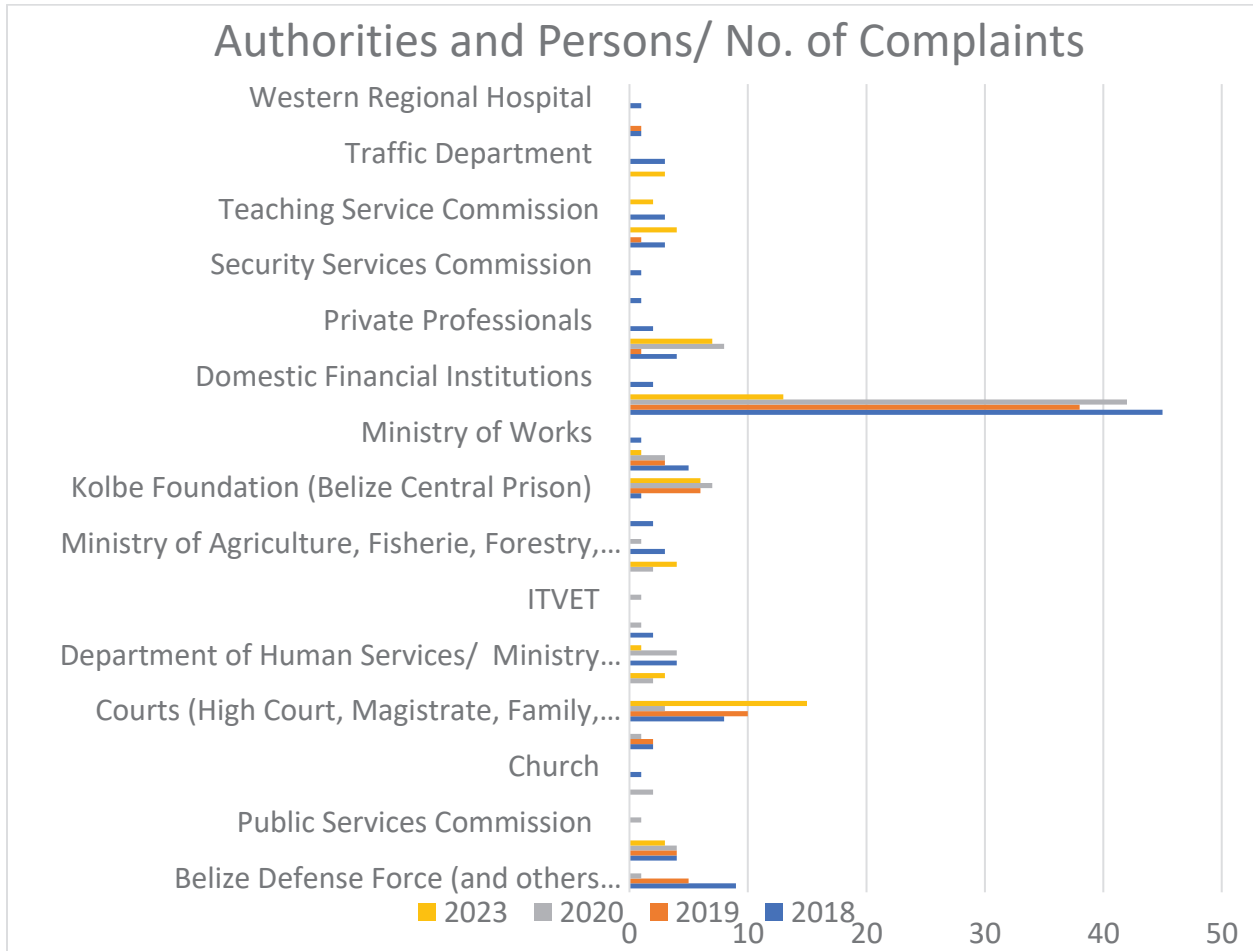


Graph: 1.0

- The above graph shows that in **2018** a total of **108** complaints were received by the Office of the Ombudsman.
- The following year **2019** showed a small decrease of cases with a total of **102** recorded in the end of year report.
- Given the Covid-19 pandemic in 2020, the **Office of the Ombudsman** only recorded a small number of **92** cases.
- In this year's **2023** annual Mid-Year report, starting from **January** to **June**, we are currently at **87** cases and growing.

There may be a variety of reasons for the significant spike in complaints being made at the Ombudsman's Office. Among these reasons are: post-covid effects, the fact that the Office had been closed and dormant for a number of years, and that the public has some confidence in the Office. The specific reason cannot be known without further investigation and research. This information becomes necessary when assessing the effectiveness of the Office and its needs in

terms of office and human resources, budgeting, availability and the overall importance of the Ombudsman institution.

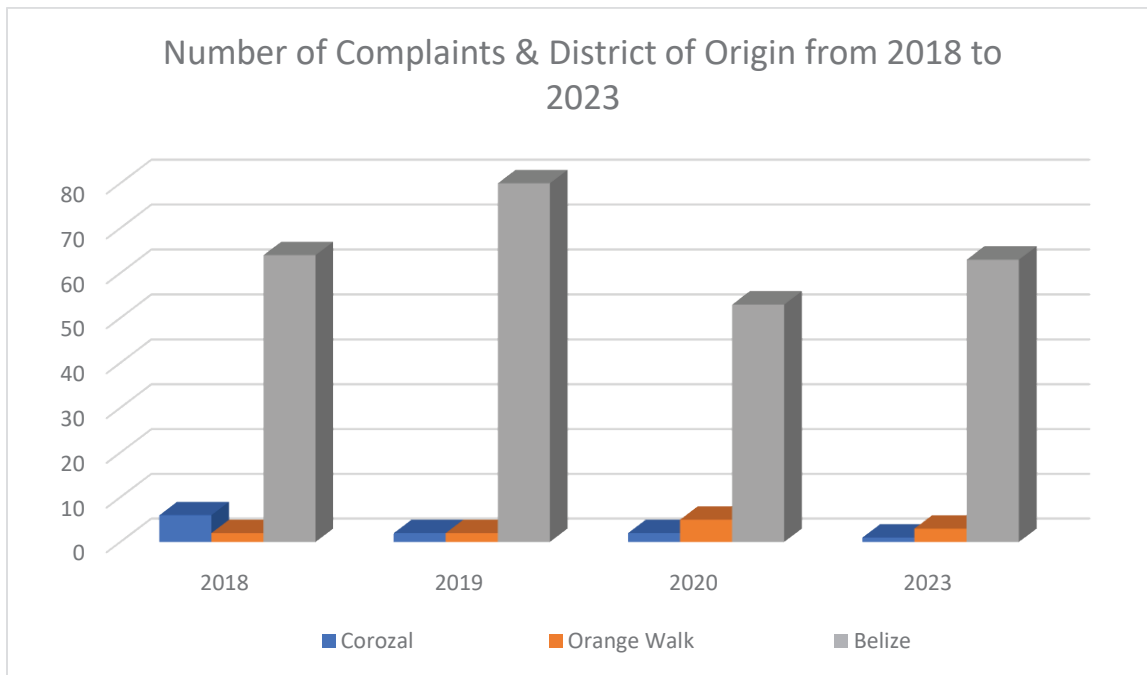


Graph: 1.1

- The above chart illustrates the number of cases from the years **2018 to 2023**. In **2018** the Belize Police Department was listed as the authority with the most Complaints, with a total of **45** at the end of year report.
- The next year, **2019** followed suit with a total of **38** cases being filed against the Belize Police Department.
- In **2020** it rebounded back with a slight rise in cases, **42** in total was recorded in the yearly report.
- In the mid-reporting period, **2023**, the entity with the highest number of complaints was recorded as the Belize Judiciary with **15** complaints, followed by the Belize Police Department with **13** complaints. This spike in complaints regarding the Belize Judiciary, particularly the Court

system is a direct result of the access and availability of the Office of the Ombudsman to the Belize Central Prison. It was seen that many incarcerated offenders believe that they have been wronged by the courts.

The reasons for this decrease may be many. One contributing factor to this decrease may be the Department’s complaint system, in which the Professional Standards Branch has undertaken to look at complaints more seriously and impartially. It has been seen in the media that the Belize Police Department are not reluctant to levy disciplinary actions upon officers who are found guilty of misconduct, abuse or other wrongdoings, and has even forwarded matter to the Director of Public Prosecution to be tried criminally.



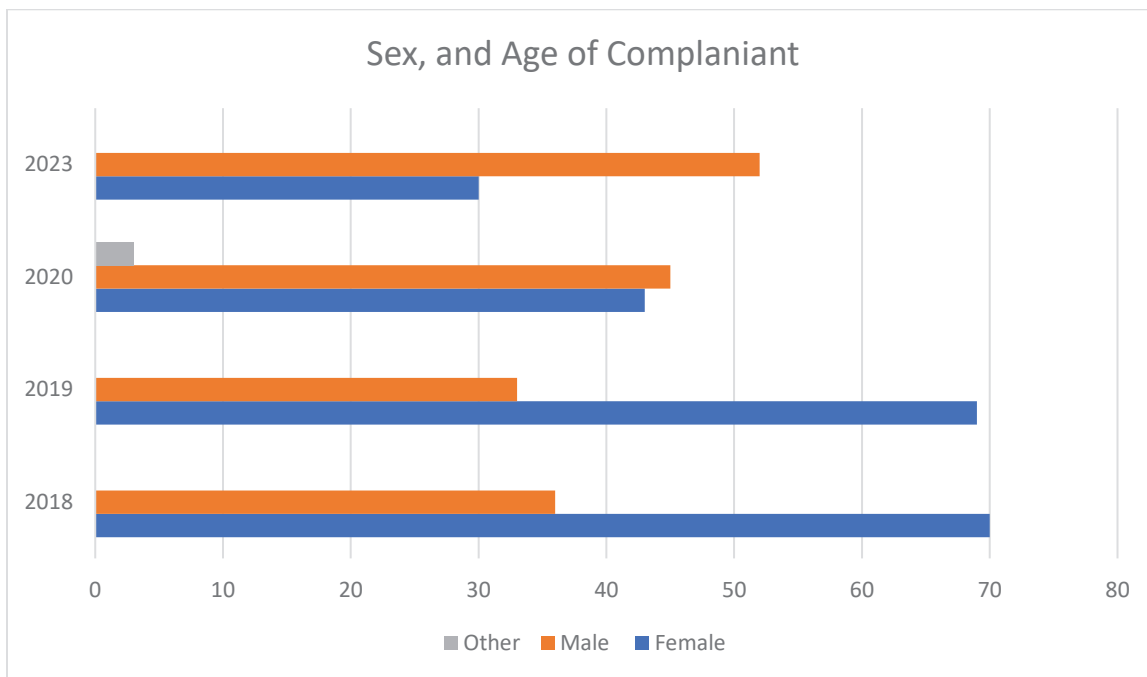
Graph: 1.2

The above chart is illustrating the highest and lowest numbers of complaints between the years 2018-2023 coming from each district.

- In **2018** it was recorded that the highest number of complaints came from the **Belize District** with a total of **64** complaints, and the lowest from **Orange Walk** with only **2** cases.
- In the following year **2019**, the highest number of complaints again hailed from the **Belize District** with **80** complaints, and the lowest number from the Toledo District with **1** complaint.

- Once again in **2020** the highest number of complaints were from the **Belize District** with **53** complaints in total, and the least from **Corozal** and **Toledo** with **2** complaints each.
- Thus far, for the year of 2023, a total of **61** complaints have been recorded from **Belize District**, and **1** complaint from **Corozal District**.

It is no doubt that the primary location of the Ombudsman’s Office has a profound impact on the demographics of complaints. Due to the Office’s primary location in Belize City, it is therefore more accessible to the population of that specific area and hence, more complaints come from this district. To combat this limiting factor, the Ombudsman has undertaken the task of establishing a strategic plan of capacity building, with an aim of reaching the wider populace. While not fully implemented, steps have been taken in order to ensure that all aggrieved have access to the office and services of the Ombudsman’s Office.



Graph: 1.3

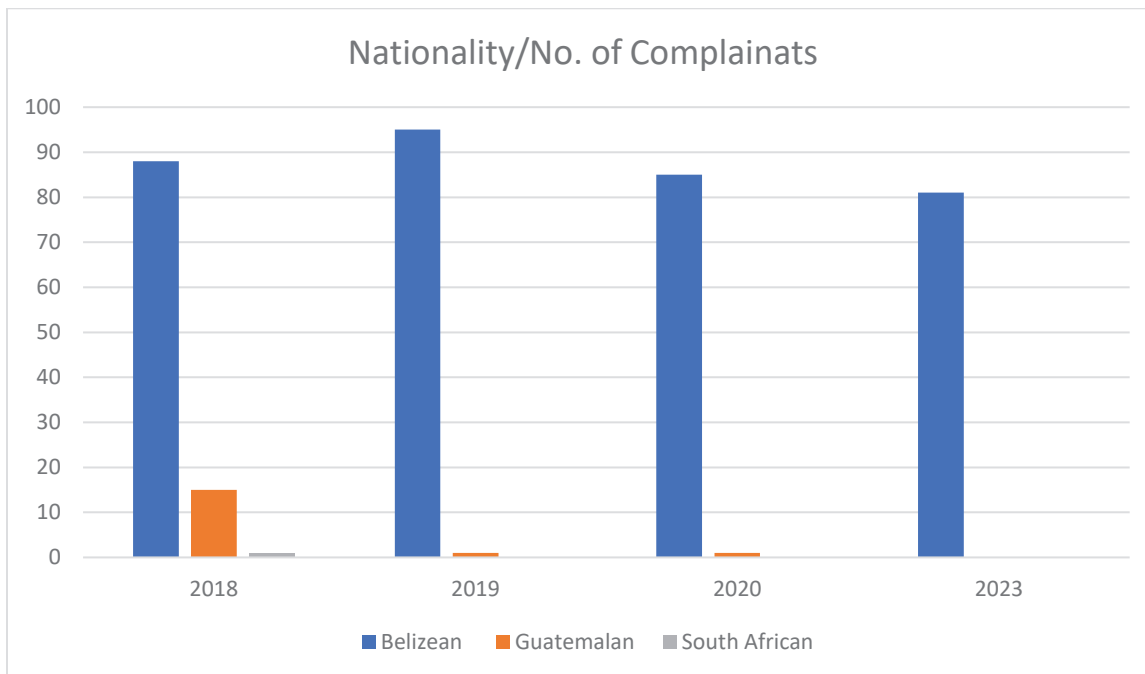
The above chart shows the sex and age of complainants.

- In the **2018** yearly reporting period, it was recorded that **70** females and **36** males made up **106** complaints received in that year, while **2** complaints were received from groups of corporate entities.

- In **2019** it was recorded that **69** Females and **33** Males made complaints to the Office of the Ombudsman.
- The following year **2020** illustrates that received were a total of **91** cases, **43** of those were made by Females complainants and **45** being made by Males, while **4** were received from groups or corporate entities.
- In this year's **2023** Mid-Year report a total of **87** cases have been recorded, thus far, **30** of those being Females, **55** being Males, **1** being a body incorporated under the laws of Belize, and **1** an organization.

While it has been a trend for mostly females to seek relief through the office of the ombudsman, in 2023, this trend was brought to a halt. The Office of the Ombudsman believes that the previous trend was caused due to majority of complainants being mothers, wives, and other female relatives of those who has suffered injustice, injury, or abuse, and not necessarily that the female complainants have been subjected to this abuse. In 2023, the Office has made itself available to the prison population and therefore incarcerated individuals, and those who would have otherwise had a complaint made by their female counterparts or relatives have been given the opportunity and audience to file their own complain with the Office of the Ombudsman.

<u>Nationality</u>	<u>No. of Complainants 2023</u>
Belizean	81
Honduran	1
American	1
Salvadoran	1
Nigerian	2
Sierra Leone	1



Graph: 1.4

The above chart illustrates the number of complaints and the nationality per year.

- In **2018** a total of **88** complaints were filed from **Belizeans**, **15** complaints from **Guatemalans**, **1** complaint from a **Canadian**, **1** complaint from a **Cypriot**, **1** complaint from a **Honduran**, and **1** complaint from a **Colombian**.
- In **2019** a total of **88** complaints were filed from **Belizeans**, **1** from complaint from a **Guatemalan**, **1** complaint from the **European Union**, **1** from the **United Kingdom**, and **3** from **Americans**.

- In **2020** **Belizeans** filed **85** complaints, **1** from **Guatemala**, **2** from the **United Kingdom**, **1** from **Sweden**, **1** from **India**.
- In **2023** **81** complaints were made from **Belizeans**, **1** from a **Honduran**, **1** from a **Salvadoran**, **1** from an **American**, **2** from **Nigerians**, **1** from a **Sierra Leone** national.

AREAS OF CONCERN



By actively participating in the investigative processes of the Office, liaising with officers and members of authorities, and interacting with complainants, the Ombudsman has observed and identified several areas of concerns. These concerns can be classified under two headings: concerns in regard to the Office of the Ombudsman, and Concerns related to the bodies of authority.

Concerns in regard to the Office of the Ombudsman

The Office of the Ombudsman undoubtedly plays an important role in societies across the world. Here in Belize, it acts as the mediator between the most vulnerable populations and their interactions with bodies of authorities so as to ensure that public authorities are acting within their powers in administering their duties when dealing with the individuals and the wider public. This is no easy task and requires the same level of funding, recognition and continuity as any government ministry or department.

The Ombudsman's concerns in relation to the Office are first rooted in its efficacy and ability to carry out the duties of the Ombudsman in accordance with the Act. It is of grave concern that the

budget allocated to the growing office does not allow the Office nor its officers to fully carry out their investigative duties as efficiently as it can. While the Office has no issues garnering the support of the Government in efforts to increase the budget, the Ombudsman is of the belief that the Office is heavily dependent on the Clerk of the National Assembly for administrative functions. This ultimately leads to delay in processes and a compromise of the Ombudsman's independence and the integrity of the Office.

We find it important to mention that while the staff is small and intimate, the small number of staff members leaves the office exposed to a few disadvantages. Firstly, there is only one investigator who must take lead in conducting investigations in all matters of complaints. This causes severe backlogs and negatively affects the productivity of the office. Likewise, there is one security personnel who doubles as the driver. This leaves the office without any security whenever the driver is out accompanying the Ombudsman on official duties. The most concerning of all however, deals with the availability of the office to other constituencies and districts. This concern is accurately represented in the demographics of the complaints received. Populations outside of Belize City find it difficult to access the services of the Ombudsman's Office and therefore may seek no remedy for instances of abuse, injury, or injustices by bodies of authority. While some do travel to Belize City and others send complaints via email, the Ombudsman's website, or via our new WhatsApp option, the Office remains mindful that many potential complainants are incapable of accessing these platforms, or do not possess the level of education or literacy to send their complaints in writing. This issue is currently being addressed in the strategic plan and a budget exercise to be carried out by the Office.

Concerns related to the bodies of Authority

While the Ombudsman is empowered by law to carry out investigations as he may find necessary, the Office of the Ombudsman requires the cooperation of the officers and bodies of authority being investigated. During the investigative process, it has been observed that many ministries, departments, government agencies and their head have been reluctant to cooperate and provide information necessary for investigations. This has caused undue delays in resolving matters and an ultimate dissatisfaction by complainants. As a part of his strategic plan for capacity building, the Ombudsman has initiated communication with many of these bodies so as to develop a

beneficial relationship between the Office of the Ombudsman and authorities subjected to investigation under the Ombudsman Act. This effort has been proven fruitful and effective, but still has room for improvement and further building.

Furthermore, in assessing the various complaints which are received by the Ombudsman, it is fair to say that some are more concerning than others, though all allegations are taken seriously. One of the most profound concerns, however, has to do with the payment of benefits and remunerations to retired public officers. From investigations, it seems that in many instances, those responsible for processing retirement benefits have not been keeping good records or at the very least has been negligent in processing files required for retirement benefits. As such, there has been cases where individuals had attained the age of retirement for several years prior to any payment being made. This issue is of high concern, as retirees have complained of their financial hardships and struggles to meet their daily needs and expenses without any form of income.

Likewise, the Ombudsman has observed and believes that the wrongful detention of illegal immigrants may cause the country to be in breach of the human rights of these offenders. In some cases, it has been observed that individuals convicted of immigration offenses are kept incarcerated for prolonged periods beyond their sentences. This issue also affects the Belize Central Prison as it becomes burdensome for the prison to effectively manage the inflow of remanded offenders who are kept incarcerated for periods which exceeds their sentences. While no definite reason has been found or given for this practice, it needs to be addressed with some urgency so as not to cause embarrassment or attract negative attention to the country.

It is also important to mention at this juncture that due to a lack of proper facilities, the court system has become heavily reliant on the Belize Central Prison for the rehabilitation of individuals who suffer from mental infractions. The Ombudsman is therefore concerned that the incarceration of mental patients may lead to the further deterioration or worsening of their various mental illnesses. It is the belief of the Office, that the Belize Central Prison is not able to properly rehabilitate these individuals nor provide the type of services they require.

PROPOSED RECCOMENDATIONS

Based on all which have been observed, the Ombudsman recommends the following:

1. That the budget of the Office of the Ombudsman be increased to reflect the importance of the office and its needs. At this point, the Ombudsman finds it necessary for additional budget so that there can be an increase in staff members. This change will help the Office to be more efficient, effective and provide faster resolutions to matters of complaints. The budget must also be amended in order for the office to be outfitted with new and necessary office supplies such as computers, printers, scanners, and stationaries. An increase in budget is further recommended so that the Office may be relocated to a space which is more accessible to the public, especially the elderly and differently abled populations. Currently, the Office of the Ombudsman is being housed on the second floor of a building which leaves it inaccessible to wheelchair users and other handicap individuals.
2. Based on the findings of investigations, it is the recommendation of the Ombudsman that ministries, departments, and other government agencies keep good record of staff, especially for the purpose of retirement. The Ombudsman is aware that there are processes which should be followed in order for retirees to start receiving their benefits shortly after retirement, however it seems that these processes and procedures are not being strictly adhered to, and therefore leads to retirees being disenfranchised and suffer some injustice.
3. There is a dyer need to address the use of the Belize Central Prison as a rehabilitation or detention centre for offenders who suffer from mental illnesses. The Ombudsman therefore recommends that this matter is addressed and that there be established a facility which can adequately rehabilitate and treat these individuals given their need for special attention and medical needs.
4. It is further recommended that the appropriate ministry put in place a system of dealing with illegal immigrants and others who are found guilty of immigration offences. This may be by means of providing a facility for these individuals whether they are held pending deportation so as to avoid overcrowding of the Belize Central Prison and any infringement on the human rights of those held. This facility may be managed and operated by the Immigration Department with the assistance of any other department or agency responsible or hold any responsibility for the safe and effective processing and deportation of offenders.
5. Finally, it is the recommendation of the Ombudsman that the office of the Ombudsman be replaced with a National Human Rights Institute (NHRI) headed by an Ombudsman. This recommendation is in conjunction with many similar recommendations for a NHRI in Belize. It is recommended that this Institute is empowered to investigate allegations under the current Ombudsman Act, as well as other allegations of human rights issues.

COLLABORATIONS, MEETINGS, & TRAININGS

In the few months that the Ombudsman has been in office, he (by himself or his officers) has been able to participate in several collaborative efforts, meeting, and training on behalf of the Office of the Ombudsman. These events were found to be essential in offering different insights, views and perspective to staff and it is safe to say that the Office has greatly benefit from all. As a part of his ongoing effort for social and capacity building, the Honourable Ombudsman has made it clear to ministries, departments, NGOs, and International Organizations that the Office of the Ombudsman is open and willing to collaborate, share information, ideas and common goals. For the year 2023, the Office of the Ombudsman has engaged in the following:

1. Meeting with the Caribbean Ombudsman Association (CAROA), organized by the Inter-American Commission on Human Rights.
2. Meeting with United Nations High Commissioner of Human Rights, Belize to discuss issues of Human Rights in Belize.
3. National and District Gender and Gender Based Violence Committees Workplan Development Session hosted by the National Women's Commission
4. Courtesy meetings with Ministers of Government, Chief Executive Officers, and Heads of Departments.
5. Courtesy meeting with commissioner of Police, Mr. Chester Williams.
6. Meetings with the Director of Belize Central Prison, Mr. Virgilio Murillo.
7. Meeting with the Head of Mission of the Taiwanese Embassy, Ambassador Lily Li-Wen Hsu
8. Meetings with other important stakeholders.

Data Table

NO	DETAIL	TOTAL
01	TOTAL NUMBER OF COMPLAINTS FOR 2023	93
02	FIVE YEARS TREND	
	2018	106
	2019	102
	2020	91
03	COMPLAINTS FROM PREVIOUS YEARS	
	LANDS DEPARTMENT FROM 2018	03
	BELIZE TEACHING SERVICE COMMISSION 2018	01
	LANDS DEPARTMENT FROM 2019	01
	POLICE DEPARTMENT FROM 2019	02
	TOTAL	07
04	TOP FIVE AUTHORITIES of Mid-Year 2023	
	Police Department	15
	Courts (High Court, Magistrate, Family, Judiciary)	15
	Private Businesses or Individuals doing business	7
	Kolbe Foundation (Belize Central Prison)	6
	Ministry of Education	4
05	COMPLAINTS BY NATURE	
01	Legal advice or assistance pertaining to private matters or matters before the courts	47
02	Police abuse, or lack of proper investigation, proper procedure being followed, misconduct by police	12
03	Pension and Gratuity	8
04	Human Rights Issues	6
05	Criminal matters	5
06	Employment benefits	4

07	Price Gauging	1
08	Property tax payment	1
09	Labour issues	1
10	Immigration matters	1
11	Child custody issues	1
12	FOIA	0
06	COMPLAINST BY DISTRICT	
	BELIZE	61
	CAYO	17
	STANN CREEK	5
	ORANGE WALK	3
	COROZAL	1
	TOLEDO	0
07	COMPLAINTS BY GENDER	
	MALES	57
	FEMALES	30
	TOTAL	87
08	COMPLAINTS BY NATIONALITY	
	BELIZEAN	81
	HONDURIAN	1
	SALVADORAN	1
	AMERICAN	1
	NIGERIANS	2
	SIERRA LEONE	1
11	STATUS OF COMPLAINTS	
	CLOSE	36
	PENDING	32
	OPEN	19
12	TOTAL OF MONTHLY COMPLAINTS	
	JANUARY 2023	0
	FEBRUARY	0
	MARCH	19
	APRIL	18
	MAY	25
	JUNE	25
	TOTAL	87