

Hon. Julius Espat
Chair, Constitution and Foreign Affairs Committee
National Assembly of Belize
George Price Center for Peace and Development
George Price Drive
City of Belmopan
Belize

June 11th, 2025

Dear Chairman,

I write to share my views in writing, verbally expressed during today's meeting, to the BELIZE CONSTITUTION (THIRTEENTH AMENDMENT) BILL, 2025 to the Constitution and Foreign Affairs Committee for ease of reference and consideration. First and foremost, I maintain that amendments to the Constitution should include a public consultation process before introduction to the House of Representatives. This was not done in this case. As a parliamentarian, I must also highlight that no explanation paper or rationale was prepared/shared with Members of the National Assembly to provide context and or related information about this proposed Constitutional amendment. I urge the Committee to go on record that public consultation must precede any proposed amendment to the Constitution. I further encourage the Committee to endorse the recommendation that explanatory notes should be made available to parliamentarians for proposed legislation, amendments and or Bills, as a best practice in parliamentary procedures.

The Bill maintains that *"the decisions in Claim No. 613 of 2023 and Claim No. 818 of 2023 have created uncertainty with respect to the State's responsibility to uphold the rule of law and the Government's ability in the interest of public safety or public order, or for the purpose of preventing, detecting or controlling crime justifiably and on reasonable grounds, limit the rights of the citizens;"*

Then at 18B., the proposed amendment says, *"For removal and avoidance of doubt, it is hereby declared that-(a) the Proclamations and Regulations specified in Schedule 5 are deemed to be valid and effectual and lawfully done in accordance with section 18 of this Constitution; (b) all acts and things done under the Proclamations and Regulations specified in the Schedule 5 are deemed to be valid, and effectual and lawfully done in accordance with this Constitution; and (c) nothing in paragraph (a) shall prejudice the right of any person, as at the 26th day of May, 2025, with respect to any judgment or existing claim before a court of law against the State arising from any acts and things done under the Proclamations and Regulations specified in Schedule 5."*

Read as a whole, I infer that the reference to the High Court claims, and the declarations listed at 18(B), would retroactively remove Constitutional rights that may or may not have been in place.

This was also confirmed as the case by the representative of the Attorney General's Ministry during today's meeting. I believe that the decisions in the respective claims should cause the State to reflect on the manner of executing its responsibilities to public safety or public order, or for the purpose of preventing, detecting or controlling crime justifiably and on reasonable grounds, limit the rights of the citizens. Past decisions by successive administrations cannot justify any future decisions that would ultimately undermine, derogate from and/or remove Constitutional rights.

The Constitution of Belize is the supreme law of the country. This is taught in schools and, especially of late, citizens have been actively encouraged to see the Constitution as such. Within this context, I therefore do not support the proposed retroactive provisions of the amendment. It cannot be that we have rights one day and do not have rights the next to retroactively justify past decisions and erase accountability for those decisions. I believe that this would create a "slippery slope" scenario (bad precedent) should other rulings arise.

I remain confident that collectively and mindfully, there can be amendments to the laws to the land to provide for declarations of special areas for public safety and public order for the purpose of preventing, detecting or controlling crime and the limiting of rights therein for a period of time; to provide for the establishment of a Gun and Gang Court; to validate certain Proclamations of State of Emergencies and Regulations and all acts and things done by the State thereunder; and to provide for matters connected therewith or incidental thereto without compromising the integrity of the Constitution.

I thank the Members for considering my views and sharing your intention to extend the public comment period to this proposed Constitution amendment. I also wish to reiterate my suggestion that the required 90 consultation period should be led by Constitutional experts to ensure the consultations result in meaningful and respectful perspectives that can be appropriately weighed and included in the decision-making process to determine next steps.

Thank you.

Sincerely,



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CC: BNN Board of Directors