Human Rights Committee
115th session

Summary record of the 3208th meeting
Held at the Palais Wilson, Geneva, on Wednesday, 21 October 2015, at 3 p.m.

Chairperson: Mr. Salvioli

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant (continued)

Third periodic report of Suriname
The meeting was called to order at 3.05 p.m.

Consideration of reports submitted under article 40 of the Covenant (continued)

Third periodic report of Suriname (CCPR/C/SUR/3; CCPR/C/SUR/Q/3 and Add.1)

1. At the invitation of the Chairperson, the delegation of Suriname took places at the Committee table.

2. The Chairperson, after noting that Suriname was the first country to accept claims brought against it in the Inter-American Court of Human Rights, said that the Committee would appreciate a brief summary of the State party’s replies to the list of issues, which had been submitted only very shortly before the meeting.

3. Mr. Mac Donald (Suriname), after apologizing for the late submission of the replies to the list of issues, said, with regard to the domestic legal framework within which the provisions of the Covenant were implemented, that international human rights instruments, including the Covenant, were often referred to, either by counsel or by judges, in the Surinamese courts.

4. Recent developments in the field of civil and political rights included the provision of training in human rights to law-enforcement officials, members of the media, members of religious organizations and the personnel of non-governmental organizations (NGOs); the entry into force of the statute establishing the National Human Rights Institute; and the adoption of a number of legislative and administrative measures to combat all forms of discrimination. Other developments included the submission to the National Assembly of a proposed amendment that would make 18 years the minimum age of marriage for both males and females, parliamentary approval of the country’s accession to the Convention on the Rights of Persons with Disabilities, the realization of various projects regarding such persons and the adoption of the Act to Combat Domestic Violence. In addition, law-enforcement and judicial officials, and also social workers, had received training to ensure that the laws enacted to combat domestic violence were properly applied. Included in the annexes to the replies to the list of issues was a statistical overview of the number of domestic violence cases in the period 2012-2015 that had led to protection orders. On the international stage, Suriname had become a supporter of the HeForShe solidarity movement.

5. In general, large employers had signed collective bargaining agreements under which salary scales were linked to job functions. In the event of wage discrimination, complaints could be filed with the Ministry of Labour. A minimum hourly wage had been established in 2014. The formulation of the National Gender Policy 2016-2020 would involve consultations with relevant stakeholders on women’s full participation and advancement in the workplace. Recent efforts had also been made to monitor trends in the labour markets more closely. Statistics on the number of employed persons in the 15-64 age range, broken down by gender and ethnicity, were included in an annex to the replies to the list of issues.

6. As a consequence of a multi-pronged campaign to promote greater female representation in positions of leadership, the number of women in the National Assembly had risen from 5 in 2010 to 14 in 2015, or nearly 30 per cent of its members. That increase had been made possible without the imposition of quotas, opposition to which was one of the very few issues on which the governing and opposition parties could find common ground. Four ministries were headed by women. Together with Iceland, Suriname had recently hosted the Barbershop Conference, the goal of which had been to gather male diplomats at United Nations Headquarters and
inform them of the many good reasons to support gender equality and women’s empowerment. Some 400 people had attended the Conference.

7. Although there was no specific law that brought the requirements for the proclamation of a state of emergency into line with the provisions of the Covenant, such a proclamation would require the approval of the National Assembly. The death penalty had effectively been abolished in April 2015 with the adoption of the amended Criminal Code and the State had a policy of zero tolerance for unlawful police actions. The authorities had not received any substantiated information to the effect that members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community were persecuted by law-enforcement personnel. In Suriname, LGBTI persons were free to move about as they chose. The authorities had no knowledge of any formal complaints regarding alleged violations of the constitutional right to peaceful association and assembly.

8. The State had adopted amendments to the Criminal Code with a view to protecting children from abuse and sexual exploitation. All forms of corporal punishment had been outlawed since the country’s independence. The Surinamese authorities did not use the term “minorities”, as the country was multi-ethnic, and no single group dominated.

9. The trial of the alleged perpetrators of the 15 extrajudicial killings committed on 8 December 1982 had been suspended since the adoption by the National Assembly of the Amnesty Act of 2012, a re-elaboration and rectification of the Amnesty Act of 1992, under which, for reasons of political expediency, amnesty had been granted only for offences committed between 1 January 1985 and 19 August 1992. The trial would resume once the Constitutional Court had issued an opinion on the Amnesty Act. The Act mandated the establishment of a truth and reconciliation commission to investigate human rights violations in the period from 1980 to 1985, including the killings of December 1982. As long as the Act was in force, however, the Government was not in a position to give full effect to the Committee’s Views in respect of Baboeram-Adhin et al. v. Suriname (communication No. 146/1983).

10. Neither the Amnesty Act nor its subsequent amendments conflicted with the standards of international law and Suriname had not received any official expression of concern from the international community regarding the Act. Crimes against humanity were clearly not exempt from prosecution under the Act. The Government’s wise decision to facilitate much-needed peace and reconciliation in the country rather than prosecuting the crimes committed during the period from 1 January 1985 to 19 August 1992 was widely accepted by the international community. He therefore found it difficult to understand some of the remarks made by Committee members with regard to the amendment of the Act, which was merely a continuation of the approach taken by Suriname in 1992. By adopting the amendment to the Amnesty Act, the National Assembly had taken a bold decision to offer citizens an opportunity to seek the truth in a transparent and unbiased environment.

11. Mr. Rodríguez-Rescia asked what efforts were being made to foster the work of civil society organizations that aimed to promote and protect human rights in Suriname. He commended the State party’s commitment to establishing the National Human Rights Institute and asked if the institute would be equivalent to an Ombudsman. He wished to know more about the institute’s mandate and structure and the resources available to it, and he asked how its independence and full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) would be ensured.

12. He wished to know about any specific cases in which direct reference had been made to the Covenant in court proceedings. He asked what training on the
implementation of the Covenant and other human rights instruments was given to police officers, judges, prosecutors and other judicial officials.

13. The Committee was concerned by the State party’s replies concerning the Baboeram-Adhin case, which threw into doubt the State party’s intention to comply with the Committee’s Views on communication No. 146/1983. The Committee had a responsibility to the victims to engage in serious follow-up to the individual communications that it considered.

14. **Mr. Fathalla** requested more detailed information about the legal and administrative measures taken to provide protection against discrimination. Specifically, he wished to know what measures were being taken to overcome the difficulties that foreigners faced when registering the birth of their children and to combat any discrimination against them. It would be useful to have specific examples of court decisions relating to protection against discrimination.

15. He welcomed the information provided on the wages earned by men and women in the private sector but also wished to know about those working in the public sector. He asked whether the process of modernizing the Personnel Act had been completed and, if so, what provisions it contained for abolishing discrimination. He would be grateful for information about efforts to promote the equal representation of women in decision-making positions in the private sector. He asked whether the State party had evaluated the effectiveness of the measures taken to implement the National Gender Action Plan 2006-2011.

16. He welcomed the introduction of a bill to raise the minimum age of marriage to 18 years for both females and males and asked when the National Assembly would consider the bill. Further information about the participation of persons with disabilities in political and social life and in the labour market, including information on any quotas established to benefit them, would also be useful.

17. **Ms. Cleveland** said that, while the consent of the National Assembly could constitute an important check on the imposition of states of emergency, article 4 of the Covenant also imposed significant limits on the ability of States parties to derogate from their human rights obligations. States of emergency declared for reasons of State security, public order or good morals did not necessarily satisfy the requirements of that article. She asked what measures were being taken to ensure that article 23 of the Constitution was interpreted in a manner consistent with the Covenant.

18. She welcomed the removal of the provision relating to the death penalty from the Criminal Code and asked whether that amendment also applied to the Military Penal Code. She wished to know whether the State party planned to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

19. Despite the recommendations made by the Committee in its previous concluding observations, it seemed that little progress had been made regarding criminal investigations and accountability in the Moiwana Community v. Suriname case. The proceedings in the case related to the killings of December 1982 had been suspended pending a decision by the Constitutional Court, yet, according to information provided by the State party, it was not clear that that court existed. It had been suggested that the reason for amending the Amnesty Act was to extend the amnesty back to 1980 so that it would cover the perpetrators of those killings. Referring to the Committee’s general comment No. 31, she pointed out that crimes against humanity were not the only violations that could not be subject to an amnesty.

20. The United Nations High Commissioner for Human Rights and the Inter-American Commission on Human Rights had both clearly stated that the new Amnesty
Act contravened the State party’s international human rights obligations. She therefore asked whether the Government had any plans to repeal the Act. If not, she wished to know how it planned to comply with its obligations to investigate, prosecute and punish gross human rights violations. She asked about the current status of the constitutional court and whether, in the absence of that court, it was possible for another court to decide on the constitutionality of the application of the Amnesty Act to the case relating to the killings of December 1982. In that connection, she asked why the trial of Edgar Ritfeld had been resumed but not that of the other accused.

21. She requested further information on the reparation provided in implementation of the judgement of the Inter-American Court of Human Rights in the Moiwana Community v. Suriname case, including compensation and restoration of property rights. Lastly, she wished to know the current status of the criminal proceedings concerning that case, including the measures being taken to protect potential witnesses, identify other sources of evidence and investigate allegations of State obstruction of justice.

22. Ms. Jelić asked the delegation to comment on the low number of reported cases of domestic violence and the high percentage of cases that had been dismissed. She wished to know what measures had been taken against the offenders in such cases. She wondered whether the situation had improved in practice since the adoption in 2009 of the Act to Combat Domestic Violence.

23. She wished to know more about the training given to police officers on domestic violence and violence against women. She asked what awareness-raising measures were being taken regarding the eradication of domestic violence and the cruel, inhuman and degrading treatment of women. In particular, she asked how the Government was promoting self-awareness and assertiveness among women in the country.

24. She would welcome further information about the training for trainers and the investigative courses offered in relation to domestic violence. Noting that sexual harassment in the workplace was a criminal offence in the State party, she asked if the same was true of mobbing. Lastly, she requested the delegation to explain the project approach to domestic violence, mentioned in paragraph 177 of the report, and to provide further details of the project addressing sexual harassment in the workplace referred to in the same paragraph.

25. Mr. Vardzelashvili asked why the State party had not taken steps to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as recommended in the report of the Working Group on the Universal Periodic Review (A/HRC/18/12) in 2011, and whether it intended to do so in the future. He noted that physical and mental torture were prohibited under chapter V, article 9, of the Constitution of Suriname and asked how torture and cruel, inhuman or degrading treatment, as set out in article 7 of the Covenant, were defined in national laws and what penalties were applicable to them. He wished to know what measures the State party had taken in response to recent reports from human rights groups, defence lawyers and the media of ill-treatment of detainees by the police and of prisoners by prison officials. He recalled that, in its concluding observations of 2004 (CCPR/CO/80/SUR), the Committee had recommended that allegations of ill-treatment and sexual abuse of detainees should be investigated by an independent mechanism; he therefore sought confirmation that the Office of the Attorney General, which acted in the capacity of an independent member of the judiciary, investigated and was obliged in law to respond to all allegations of torture. In paragraph 196 of the State party report, it was stated that the Office of the Attorney General was competent to conduct investigations in cases of “justified complaint”, but it was not clear how and when complaints were forwarded by the separate division of the Ministry of
Justice, how far that division was independent and whether the initial assessment of the complaint was made by the police.

26. It was regrettable that the Committee had not received statistical data on torture-related crimes and on the number of prosecutions brought. Referring to the 600 complaints concerning police behaviour that had been lodged in 2013, of which 374 had been investigated, he asked how many had related to acts of torture and what percentage of them had been successfully investigated. In paragraph 59 of the report, it was mentioned that cases of sexual abuse were often kept secret by detainees: he wished to know what measures would be taken to improve the prevention, reporting and investigation of sexual abuse and ill-treatment in prisons.

27. He enquired whether there was any mechanism for monitoring psychiatric hospitals and whether there had been investigations of torture or ill-treatment in such institutions. He wished to know whether the newly created National Human Rights Institute would have a role in torture prevention, including the power to monitor conditions in psychiatric hospitals.

28. He asked the delegation to comment on reports of arbitrary detention, harassment and torture of LGBTI persons, and especially of transgender women: there were allegations that, every weekend evening in Paramaribo, gay and transgender sex workers were arrested and taken to a police station, where they suffered allegedly degrading and humiliating treatment; they were held for several hours without reason and their claims of beatings or even rape were not taken seriously. Two police officers had been dismissed following a case in September 2014 in which two transgender sex workers had been arrested and beaten; in addition to the disciplinary measures, might any further penalties be applied in that case? He wondered whether the State party perceived LGBTI individuals to be particularly vulnerable in their relationships with the police and, if so, what steps it planned to take.

The meeting was suspended at 4.30 p.m. and resumed at 4.55 p.m.

29. **Mr. Mac Donald** (Suriname) said that, as a human rights lawyer, he welcomed the opportunity to participate in — and learn from — an open discussion with the Committee. In addition to the replies given in the meeting, further technical information would be provided to the Committee in writing.

30. While he acknowledged that LGBTI rights were not respected by all in Suriname, a more liberal and positive attitude prevailed than in many parts of the Caribbean. A march in support of LGBTI persons, organized by NGOs, had taken place the previous week and the First Lady of the country was a clear supporter of the LGBTI community.

31. The lack of prosecutions relating to racial discrimination was a result of the diversity existing in Suriname, where approximately one third of people considered themselves to be of black origin, one third of Indian origin and 15 per cent of Indonesian origin, and where there was no domination by any one ethnic group. One of the biggest tourist attractions in Suriname was a mosque that was sited close to a synagogue. Although a Christian, he had found it perfectly natural to attend a Muslim school for six years.

32. The Covenant was enforced in domestic law through article 106 of the Constitution, under which all international human rights conventions took precedence over national laws as soon as they had been ratified.

33. Torture was prohibited under article 360 of the Criminal Code; he would raise with his authorities the question of why Suriname had not yet ratified the Convention against Torture.
34. Mr. Jones (Suriname) said that some human rights bodies had been consulted in the drafting of the State party report, although he acknowledged that it would have been preferable to receive input from more NGOs.

35. The Government was preparing regulations concerning the financing and staffing of the newly established National Human Rights Institute, which would operate in an independent manner in accordance with the Paris Principles.

36. Mr. Mac Donald (Suriname) said that the judiciary, which was an independent body funded by the Government, operated under the same principles.

37. Mr. Jones (Suriname), referring to the questions raised by Ms. Cleveland, said that the State had conducted investigations into the Baboeram-Adhin case and others, but, at the time of prosecution, the Amnesty Act had come into play. A bill establishing a constitutional court was currently before the National Assembly. The death penalty still existed under the Military Penal Code, but the relevant provision was under review by the Government.

38. Mr. Mac Donald (Suriname) explained that the death penalty had existed in the former Criminal Code, although it had not been used since 1927; the Government had effectively abolished the death penalty by simply omitting it from the most recent version of the Code and it was hoped that a similar process would be adopted in respect of the Military Penal Code.

39. Mr. Jones (Suriname), replying to another question from Ms. Cleveland, said that it was not possible for the President to declare a state of emergency without the express approval of the National Assembly. With reference to the question from Mr. Fathalla on equal pay, men and women in both the public and private sectors were paid according to the salary grade allocated to their job and not according to their gender.

40. Mr. Mac Donald (Suriname) said that, although salaries were paid according to the type of work carried out, the Government was addressing the tendency to hire men and women for different types of job, in order to ensure that highly paid jobs were not reserved for men.

41. Mr. Jones (Suriname) said that a bill ensuring parity between the legal age of marriage for men and women was currently before the National Assembly. With respect to the situation of children to parents without legal status, the law provided that all children born in Suriname must be registered at birth and all registered children had the right to go to school and to apply for Surinamese nationality at the age of 18.

42. Mr. Mac Donald (Suriname) explained that it would be difficult for children born in Suriname to maintain their irregular status for any length of time, even if they were born to migrants, since they would participate in vaccination programmes and attend school.

43. Mr. Jones (Suriname) said that charges were pending against only one suspect in the case relating to the killings of December 1982, because he had waived his right to amnesty.

44. Mr. Mac Donald (Suriname) said that the courts had ruled that individuals had the right to waive their right to amnesty, if they so wished.

45. Mr. Jones (Suriname) said that reports that members of the LGBTI community were routinely detained were untrue, although LGBTI sex workers were often detained because soliciting was illegal. Police officers were not, however, permitted to mistreat them. The officers alleged to have done so in a recent case had been dismissed and would be prosecuted once the investigation was completed.
46. **Mr. Mac Donald** (Suriname) said that the LGBTI community continued to face challenges, often on religious grounds. They could report any problems to the Government, which would ensure that their rights were respected, and they were regularly granted permission to organize marches and broadcast radio programmes, through which they could voice their concerns.

47. **Mr. Jones** (Suriname) said that the Surinamese society’s attitude to discrimination against the LGBTI community was exemplified by the strong opposition that had been expressed to a song released by a Surinamese singer that was offensive to that community.

48. **Mr. Mac Donald** (Suriname) said that, following the release of the song, the singer responsible had cancelled his scheduled tour of the Netherlands and met with representatives of the LGBTI community.

49. **Mr. Jones** (Suriname) said that, because of the high level of ethnic and religious diversity in Suriname, discrimination was prohibited under the Constitution and was not tolerated in any form. The abolition of the death penalty was the first step towards ratification of the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.

50. **Ms. Tojosemito** (Suriname) said that the Government intended to increase women’s representation in the Chamber of Commerce and Industry, which currently had no female members.

51. **Mr. Mac Donald** (Suriname) said that efforts to increase women’s representation in the Chamber of Commerce and Industry would be an extension of the Government’s campaign to increase their representation in Parliament.

52. **Sir Nigel Rodley** said that Governments had an obligation to bring perpetrators of gross human rights violations to justice and could not exempt themselves from that obligation unilaterally by pleading the right to equality; given that perpetrators were generally those responsible for upholding the law, they should not be treated as equal to those who had not committed such crimes. The concerns surrounding the issue related not only to the amendment to the Amnesty Act, but also the apparent lack of will in the State party to consider the views of the international community.

53. **Ms. Cleveland** asked how long the bill establishing the constitutional court had been pending, when the court was likely to be set up and which courts were addressing constitutional matters in the meantime. Given that, presumably, not every case in which a constitutional question arose was suspended pending creation of the constitutional court, she wished to know why another court had not ruled on the Amnesty Act in relation to the killings of December 1982. She would also welcome information on reparations and any criminal investigations or proceedings in the Moiwana Community v. Suriname case.

54. **Mr. Vardzelashvili** said that the Committee had been informed that LGBTI persons had suffered ill-treatment while in detention. He asked how children who were in the country illegally were registered and enrolled in schools.

55. **Mr. Rodríguez-Rescia** said that he would welcome clarification of the meaning of the term “secret elections” in paragraph 12 of the State party’s report.

56. **Mr. Fathalla** asked how persons residing in the country illegally could be encouraged to register the birth of their children, in view of their fear of being discovered and punished.

57. **The Chairperson** asked why there was a lack of compliance with rulings by domestic courts that the Amnesty Act was incompatible with the provisions of international instruments, which took precedence over the Constitution in the
country’s legal order. The delegation represented the State party in general, not only the executive branch, and it was required to comment on the extent of compliance with the Covenant by all branches of Government; in that connection, he wished to know whether the list of issues had been discussed with the National Assembly prior to the drafting of the replies. Noting that torture was addressed by the Criminal Code under the crime of abuse, he asked whether the Government intended to classify it as a specific offence so that it could be prosecuted and sanctioned appropriately.

58. **Mr. Mac Donald** (Suriname) said it was true that domestic legislation did not contain a definition of torture and, although the country had ratified many human rights conventions, it should also consider ratification of the Convention against Torture. While he was not aware of cases where individuals residing in the country illegally had been actively sought by the police, their reluctance to register their children because of fear of detection should be addressed.

59. **Mr. Jones** (Suriname) said that the Government was not responsible for ensuring that those residing in the country illegally were able to register their children, because such persons were acting in violation of the law. The term “secret elections” referred to the fact that the ballot had been secret.

*The meeting rose at 6 p.m.*