



## International Covenant on Civil and Political Rights

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### Human Rights Committee

#### 115th session

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Item 5 of the agenda

**Consideration of reports submitted by States parties  
under article 40 of the Covenant**

### List of issues in relation to the third periodic report of the Republic of Suriname

Addendum

### Replies of the Republic of Suriname to the list of issues\*

[Date received: 20 October 2015]

#### I. Introduction

1. In the first place, the Republic of Suriname offers its apologies for the late submission of the report containing the response to the *List of Issues* of the *Human Rights Committee* in respect of the 3<sup>rd</sup> periodic report of the Republic of Suriname in accordance with Article 40 of the International Covenant on Civil and Political Rights (ICCPR).

2. This was caused by the fact that the State was intensively occupied with the general, free and secret elections held on the 25th of May 2015 and the information and formation of the new Cabinet, which took place on the 12<sup>th</sup> of August 2015. After all, the explicit opinion of the new Government had to be included in the report, resulting in the delayed response to your requests.

3. This report is divided in chapters which correspond with the chronology of the *List of Issues* and aims at providing the *Human Rights Committee* with additional information with regard to the human rights situation, in particular civil and political rights, in the jurisdiction of the Republic of Suriname.

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\* The present document is being issued without formal editing.

## II. Constitutional and legal frame framework within which the Covenant is implemented (art. 2)

4. Within the legal proceedings of Suriname, lawyers regularly refer to international human rights conventions as part of their defense strategy. The court also refers in their decisions to rights that are enshrined, for example, in the ICCPR (concerns amongst other things also matters that relate to the rights of the child). In case of the lawfulness test of police custody lawyers also often invoke Article 9 Paragraph 3 of the ICCPR. However, the judgments involving the application of provisions of the ICCPR or the use of aforementioned provisions of the convention as an aid to interpret national legislation, have not been separately filed in the archives. There are, however, cases known in which the court has used the ICCPR criteria to explain the reasonable term within which a suspect has to appear before the court.

5. In the first half of 2015 Human Rights Training Courses were conducted for police sergeants in training and police inspectors. The goal of the training was focused on providing the participants knowledge of the content of human rights conventions and the correct manner in which and when coercive means are allowed to be used, so that no actions are taken in contravention of the human rights conventions. During this training the following sources of human rights were highlighted, more in particular: the Constitution, International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the American Declaration of the Rights and Duties of Man, the European Convention on Human Rights, the Universal Declaration of Human Rights, and Criminal Procedure. Human Rights are furthermore included as a subject within the Police Training.

6. Training was also provided to social groups, such as the media, religious organizations and NGOs. This will be further dealt with under item 26 of this report.

7. The National Assembly adopted in 2012 the Amnesty Act (Bulletin of Acts, Orders and Regulations S.B. 2012 no 49), which is actually an elaboration of the Amnesty Act of 1992 (Bulletin of Acts, Orders and Regulations S.B. 1992 no 68). Ever since, the 8 December trial has been suspended, until the Constitutional Court has given an opinion on the Amnesty Act.

8. The case Baboeram – Adhin et al. against the State of Suriname regards the referred trial. This means that also this case, to which the Amnesty Act also applies, cannot be further prosecuted.

9. Upon the adoption of the 2012 Amnesty Act it was established in conformity with Article 4 that immediately upon the publication of this Act, a Truth and Reconciliation Commission will be established by law, for the investigation and truth finding about human rights violations in the period from 1980 to 1985, including the events of the 8th of December 1982.

10. As long as the Amnesty Act is in force, the State is held to comply with this law and to implement it. This law does not offer the State legally the room to implement the recommendations of the Human Rights Committee in the case of Baboeram – Adhin et al. against the State of Suriname.

11. In April 2015 the State established the National Human Rights Institute by Government Regulation (Bulletin of Acts, Orders and Regulations S.B 2015 no.44). The Implementing Order originating in this Government Regulation which deals with the operation and staffing of this Institute is currently being prepared. In the preparations the Paris Principles have been taken into account. It is to be expected that this Implementing Order will be given substance within a short space of time.

### III. Non-discrimination and equality between men and women (arts. 2, 3 and 26)

12. In the past period the State of Suriname has published several laws and administrative measures that should combat all forms of discrimination. These measures are in line with Article 8 Paragraph 2 of the Constitution of Suriname. This article prohibits all forms of discrimination on the grounds of birth, sex, race, language, religious origin, education, political beliefs, economic position or any other status.

13. Within this framework can be mentioned the Act on Nationality and Residency (Bulletin of Acts, Orders and Regulations S.B. 2014 no.121) and the Act of the 30th of March 2015 containing the further amendment of the Penal Code (Bulletin of Acts, Orders and Regulations S.B. 2015 no. 44).

14. In regard to the request of the Commission for information in respect of court judgments that relate to discrimination on the basis of race, ethnicity, age, language, religion, political and other beliefs, sexual preference and gender identity it can be stated that in the administration of judgments such distinctions are not made. Against this background, the request referred to cannot be fulfilled.

15. Annex 1 (Total employed population) provides a statistical overview of the number of men and women employed in the age category of 15-64 years of age by ethnicity. From this overview appears that the number of men employed is not even two times as much as the number of women employed.

16. However, what should be taken into account, is the fact that Suriname because of its many ethnicities, also has a multitude of cultures.

17. With regard to salaries, no distinction is made between men and women. Large companies with collective bargaining agreements, have in most cases also salary scales that link a salary to a function. In smaller companies, a possible difference in salary is not visible; however, the aggrieved party always has the possibility to submit a complaint with the Ministry of Labour to take legal measures against the employer. In addition, the State has put the Act on Minimum Hourly Wages in effect in 2014 (Bulletin of Acts, Orders and Regulations S.B. 2014 no. 112).

18. Furthermore, can be indicated that the National Bureau Gender Policy is currently evaluating the Gender Work plan 2013. Labour (salary and poverty eradication) is one of the five priority areas that are mentioned in this work plan. The State will pursue that the topic of full participation and advancement in the work place, in addition to other topics is included in the different discussions that will be held with relevant stakeholders in connection with formulating the National Gender Policy 2016 – 2020.

19. In addition, the State has signed the programme '*Decent Work Country Program 2015-2016*' in January 2015 with the ILO Sub-Regional office for the Caribbean and Social partners. The results achieved within the framework of this programme are:

1. The establishment of a Labour Market Information System;
2. Studies in the labour market and studies into salaries to identify a trend and inadequacies.

20. In the field of equal representation of men and women in decision-making positions, including in the Government and in the National Assembly, the National Assembly carried out the project "More Women in Decision-making 2015".

21. The goal of this project was:

- to get the political parties to put more women in electable positions in the list of candidates, and nominate more women for decision-making positions;
- to give political and active women more self-confidence and self-awareness; and
- to increase awareness in respect of the importance of more women in politics.

22. In the period 2014 – 2015 the NGO STAS International conducted a national promotion and awareness-raising campaign with the title ‘More female leadership in 2015’ which was supported by the Ministry of Home Affairs. The goal of this campaign was to show the importance of participation of women in political and economic decision-making and to increase public and political awareness in this field. These activities resulted in an increase in the number of women in the National Assembly from 5 women in 2010 to 13 women in 2015. See the below table.

23. Members elected to the National Assembly, elections for 2010 and 2015 by gender.

<i>Period</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
2010	46 (90%)	5 (10%)	51(100%)
2015	38 (75%)	13 (25%)	51(100%)

24. Starting from the non-discrimination principle, such as contained in Article 8 of the Constitution of the Republic of Suriname, the State already in the nineteen eighties, legally laid down the competency to perform juridical acts of married women through the proclamation of Decree C-11, thus making a start with equalizing the rights of men and women. The State has currently started to integrally change the Civil Code. In the Bill on the New Civil Code, which has already been submitted for approval to the National Assembly, the marriageable age of boys and girls is increased to the equal age of 18 years. The State will request the National Assembly to treat the Bill as soon as possible.

25. With the amendment of the Act “Nationality and Residency” (Bulletin of Acts, Orders and Regulations S.B. 2014 no.121, Articles 12 through 15) the State has eliminated the difference in treatment between men and women in acquiring or losing Surinamese nationality upon matrimony or divorce. Where previously it was true that only women that married a man with Surinamese nationality, could follow the nationality of the man, this has now been equalized. Currently, men who marry a woman holding Surinamese nationality can follow the nationality of the woman. For as far as the Identity and the Personnel Acts are concerned the State is still in the process of examining which amendments need to be made.

26. On the 25<sup>th</sup> of September 2015 the National Assembly approved the accession of Suriname to *The Convention on the Rights of Persons with Disabilities*.

27. In anticipation to this the State has initiated the execution of the policy plan 2005 - 2010 of the Commission regarding Policy for People with Disability.

28. A number of matters in the field of law and legislation, education and training, recreation and sports and transportation have been addressed and realized.

29. Within this framework, the following can be listed:

- The minimum standards for services and provisions/ institutions for people with disability was drafted and upon adoption of the Act Alternative Care (Bulletin of Acts, Orders and Regulations S.B. 2014 no. 7) provided on the 6th of November 2014 to registered alternative care institutions;

- the Commission Supervision on Child Care Institutions (CTK) looked at care institutions for people with disability and the further policies of the CTK are also based thereupon;
  - the Bill ‘Provision for People with Disability’ (VMB), which regulates the socioeconomic security of this group, is now in the preparatory phase;
  - the Foundation Training Projects for Juveniles with Disability in Suriname has the objective of teaching skills to children and juveniles between 14 and 20 years of age having a learning disability, so that they can make an active contribution to the labour market in Suriname. This foundation provides vocational training in machine woodworking, textile handicrafts, construction and woodworking, metal working and horticulture;
  - in the period 2008 – 2011 a lesson plan was published for teachers in primary education on how to deal with people having a disability, in particular children;
  - the Care for People with Disability Service (Dienst Gehandicaptten Zorg – DGZ) has in cooperation with the Commission Policy for People with Disability done a customer satisfaction study among the customers of special care transportation and made an inventory of the provisions and need for care transportation. The data collected is currently being processed, and
  - DGZ did a study in cooperation with the Commission Policy for People with Disability into the staffing situation at institutions focused on people with disability.
30. The State has furthermore in the period 2010 – 2015 realized a number of awareness-raising programmes, including media campaigns.
31. In 2016 the evaluation of the awareness-raising programmes will take place.

#### **IV. Public emergency (art. 4)**

32. Although there is no specific law that harmonizes the proclamation of the state of emergency with the specific requirements of the convention, the State built in a guarantee out of its responsibility. The President of the Republic Suriname can declare the state of emergency based on Article 102 Paragraph 3 of the Constitution of Suriname. This Paragraph prescribes that prior to the proclamation of the state of emergency, the President needs permission of the National Assembly (Parliament). The thought behind this constitutional obligation is that the people through its representation are involved in the publication of this measure (the “checks and balances” principle). The people then have the opportunity to have the proclamation be conditional. The people can thus ensure that its Civil and Political Rights are not put aside.

#### **V. Violence against women, including domestic violence (arts. 3 and 7)**

33. Between 2012 and 2015, 520 cases of violence against women were reported to the Public Prosecutions Department (Openbaar Ministerie – OM), of which 304 involved domestic violence and 216 stalking. In 47 cases the OM resorted to prosecution, after which judgment was given. In the other cases, out of court measures were taken against the offenders. Annex 2 (Domestic Violence/Stalking) provides a statistical overview of the number of cases of violence against women in the period 2012-2015.

34. As a measure to combat violence against women the State has adopted in 2009 the Act to Combat Domestic Violence in 2009. This Act offers women, amongst other things, the possibility to submit the request for a court order with the court. Annex 2, under the denominator “impose”, provides a statistical overview of the number of cases for which a protection order was granted in the period 2012-2015.

35. To be able to faster identify the cases of Domestic Violence and to make the actions of the Police more efficient and effective, in the past period different types of training were given to the police. In the interest of progress of the training to combat Domestic Violence, training for trainers regarding Domestic Violence was given. Within this framework investigative courses were also given and a workshop on children's and sexual offences legislation took place.

36. Furthermore, training was provided for judges, public prosecutors, social workers and the staff of the Ministry of Justice and Police and police officers, with regard to applying the legislation for addressing and combating domestic violence.

## **VI. Right to life and prohibition of torture and other cruel, inhuman and degrading treatment or punishment (arts. 6 and 7)**

37. Although the death penalty was a dead letter in the Penal Code, the National Assembly on the 3rd of March 2015 formally removed this penal sanction from the Penal Code. The amended Penal Code, in which the death penalty was annulled, became effective on the 13th of April 2015. This was a first step to arrive at the ratification of the second optional protocol to the International Covenant on Civil and Political Rights.

38. The amendment of the Amnesty Act of August 19, 1992 (S.B. 1992 No.68 as modified by S.B. 2012 No. 49) was an initiative by a number of legislators in line with the principle of equality enshrined in Article 8 of the Constitution of the Republic of Suriname (Article 8 reads as follows :“ 1. *All who are within the territory of Suriname shall have an equal claim to protection of person and property.* 2. *No one shall be discriminated against on the grounds of birth, sex, race, language, religious origin, education, political beliefs, economic position or any other status*”).

39. It can be recalled that pending the recent Amnesty Act of April 5, 2012, two similar Acts were previously passed by the legislator, therefore this decision was taken in order to end the discriminatory aspects of the 1992 Amnesty Act (which solely and explicitly covers all criminal offenses, as defined by that law and committed in the period from January 1, 1985 through August 19, 1992) and thus only concentrates on that what occurred between 1980 and 1992.

40. The amendment of the Amnesty Act of August 19, 1992 is a mere rectification of the arbitrary decision in said Act, where for reasons apparently of political interest the retroactive effect of that Act was only authorized starting from January 1, 1985. It should also be pointed out that this amendment is simply a qualitative expansion of the previous piece of legislation.

41. The introduction of the explicit call for the establishment of a “*Truth and Reconciliation Commission*” implies a qualitative improvement of the previous Act, since its precursor did not whatsoever call for or demand the creation of a procedure to seek truth and reconciliation regarding the violations and crimes it covers.

42. Nationally as well as internationally the Surinamese authorities did not receive any official expression or concerns with regard to the adoption of the Amnesty Act of 1992, for

granting a general and official pardon to those who committed crimes against the State of Suriname or its citizens.

43. It should also be noted that back then a general and unconditional pardon was granted to the initiators and the persons who took part in the civil war which even made use of mercenaries during those ghastly days of the domestic war in Suriname.

44. The Amnesty Act of 1989 nor its amendments (in time sequence) conflicts with the standards of international law, since crimes against humanity (as stipulated in Article 2 of said Act and its modification in conjunction with Article 7 of the Rome Statute) are clearly not exempt from prosecution. Crimes against humanity according to Article 7 of the Rome Statute means the following: quote.... "*Crimes against humanity means any of the following acts when committed as a part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: murder, rape, slavery etc.*"

45. In 1992, the Government of Suriname by adopting the Amnesty Act 1992, decided to grant an official pardon and amnesty to those who committed crimes against the State of Suriname and its citizens in the period January 1, 1985 to August 19, 1992 in order to facilitate a much needed peace and reconciliation in the country. The Government could have endeavored to investigate and prosecute the suspects but wisely decided not to do so and chose for the larger goal in the interest of the country and its population. (This policy was in fact widely accepted by the world community).

46. A perfect example is the sequence on the *December 8 Trial* which has been going on for more than a decade. To date testimonies of all witnesses have been taken, and still the real truth has not been heard nor detected in the opinion of many citizens due to the various technical, judicial and administrative mishaps of this trial. Also many potential witnesses have in the meantime deceased.

47. Looking back at all this many, including members of the Parliament today understand and respect the wisdom behind the approach and decision taken by the then National Assembly of Suriname.

48. It is therefore difficult to understand the remarks made and the manifest lack of understanding made by some of the international human rights community and one former colonial power regarding the amendment of the 1992 Amnesty Act, since this methodology is a mere continuation of the approach and decision that was taken in 1992 by the Government of the Republic of Suriname.

49. Referring to the May 2010 elections in Suriname it is also clear that the majority of the electorate in Suriname opted for a peaceful way regarding the settlement of all issues with regard to their past.

50. The amendment of the Amnesty Act of April 17 is in line with the will and aspirations of the population expressed during the recent elections in Suriname.

51. Since the Amnesty Act was adopted within the Constitutional realm of the Republic of Suriname it in reality focuses on Suriname's plea and quest for real peace, national reconciliation and closure of 12 years of distress in the country. It furthermore aims at seeking the real truth about the many occurrences during the period mentioned, as well as reconciliation and atonement.

52. After about 30 years the Parliament of Suriname has taken the bold decision to generate and offer a genuine and forward looking environment to the Surinamese community in search of the truth towards reconciliation. The Parliament of Suriname has also endeavored to offer an opportunity to seek the truth in a transparent and un-biased environment.

53. The legitimate plea for a *Commission of Truth and Reconciliation* as requested by the Special Conference in 1998 and by the European Union and others can now finally be established.

54. The State conducts a 'zero tolerance' policy when it concerns unlawful police actions. Unlawful police actions are investigated irrespective of persons and in case they are found guilty, either penal or disciplinary sanctions will follow. In the past period police officers found guilty of unlawful actions were put on non-active status and in some cases were criminally prosecuted.

55. In the year 2013, 667 complaints against police officers have been investigated. In 374 cases, the persons were found guilty and either penal sanctions or disciplinary sanctions were taken against these police officers.

56. With regard to the request of the Human Rights Committee for statistical data distinguished by gender, age and ethnicity or nationality involving cases of torture and assault, we can indicate that the internal registration is not done accordingly. For that reason the referred request cannot be fulfilled.

57. With regard to the allegations concerning alleged "arbitrary detentions, harassment, torture and ill-treatment against lesbian, gay, bisexual, transgender and intersex persons (LGBTI), especially transgender women", that continue to be a usual practice of security forces in the country" the State wishes to indicate that it will deal with such allegations if the information can be factually substantiated. The actual situation in Suriname is that the LGBTI community can freely move in society.

58. With the Act of the 30<sup>th</sup> of March 2015, containing further amendments to the Penal Code (Bulletin of Acts, Orders and Regulations S.B. 2015 no. 44), which came into force on the 13<sup>th</sup> of April 2015, the State made a further step in the direction of protection of lesbians, homosexuals, bisexuals, transgenders and intersex persons, in particular transgender women. In Articles 175 and 176 of the amended Penal Code defamation of persons because of their sexual preference has been criminalized. Although this is a general provision, it is nevertheless applicable as well to the groups referred to. Instigation to hate, discriminate and violence and the support of discriminatory actions has been criminalized.

59. There is one case formally known, in which two male commercial sex workers detained for theft, were assaulted by two police officers on duty. These two police officers were removed from their position.

## **VII. Elimination of slavery and servitude (art. 8)**

60. From the statistics obtained from the Public Prosecutions Department with regard to cases of human trafficking in the period 2004 through August 2015, it appears that in the period involved 40 cases of human trafficking were investigated and prosecuted. The suspects were accused and sentenced for sexual exploitation, forced labour whether or not including sexual exploitation and smuggling of persons. In 20 of the 40 cases the victims were younger than 18 years of age (Annex 3 Human Trafficking cases).

61. Poverty is an important breeding ground for human trafficking. This has also come to the fore during the treatment of penal cases involving human trafficking.

62. The State is of the opinion that if people are taken out of poverty, the chance to become a victim of human trafficking also becomes smaller. Also based on this line of reasoning, the State adopted in 2014 three social laws within the framework of the elimination of poverty. The following laws are involved:



- Act on National Basic Health Insurance (Bulletin of Acts, Orders and Decrees SB 2014 no. 114);
- 2014 Act on General Pension (Bulletin of Acts, Orders and Decrees SB 2014 no. 113), and
- Act on Minimum Hourly Wage (Bulletin of Acts, Orders and Decrees SB 2014 no. 112).

63. These laws work preventively when it comes to human trafficking. It can also be stated that the new situation, on the basis of the laws referred to, are also discouraging for those persons guilty of or intending to engage in labour exploitation as one of the aspects of human trafficking.

64. Within the framework of prevention, the State regularly through the media and internet publishes warnings to make society aware of misleading calls for application.

65. With regard to the investigation and prosecution of the perpetrators of human trafficking the State has introduced fast-track proceedings in cases of labour violations involving exploitation in the workplace (Ministerial Order of the 24<sup>th</sup> of October 2014, J.No.14/0566 (Bulletin of Acts, Orders and Regulations SB 2014 no. 158). Furthermore, training and workshops were provided for relevant groups so that cases of human trafficking could be identified early.

### **VIII. Right to liberty and security of the person, rights of persons deprived of their liberty, right to a fair trial and due process (arts. 9, 10 and 14)**

66. The State of Suriname has 35 police stations with custody suites. In Annex 4 (National Overview Police Stations and custody suites) an overview is given of the population capacity by custody suite and the actual number of persons per custody suite over the period of October 2015.

67. With two custody suites and in total 17 cells, the Police Station Geyersvlijt had the largest block of holding cells. The holding capacity is 78. The smallest custody suites are at the Police Station of Zanderij and the Police Station of Paramaribo, each with a holding capacity of 2 persons.

68. It should be noted that the number of people detained per custody suite varies because of the inflow and outflow. Annex 4 also shows that in most cases less persons are detained in one cell than the maximum that is allowed.

69. It does occur sometimes that the number of detained persons is higher than the holding capacity. This appears from the aforementioned annex, especially for the police stations of Kwatta (capacity of 18 and people detained 22), Latour (capacity 16 and people detained 17), and Nieuwe Haven (capacity of 50 and people detained 56).

70. It should be stated that in case of an overcapacity of people detained transfers are made to other custody suites where the holding capacity allows it.

71. The care for the persons detained is a responsibility of the State. The State therefore strives to optimally guarantee the human rights of the persons detained.

72. For as far as the three penal institutions and one detention centre are involved, based on the holding capacity, it can be stated that the number of persons detained is not exceeded. (see the below table)

<i>Name</i>	<i>Holding Capacity</i>	<i>Persons detained as of October 2015</i>
Penal Institution Duisburglaan	228	198
Central Penal Institution	339	295
Penal Institution Hazard	96	96
Detention Centre	350	289

73. In the different penal institutions the inflow and outflow of the number of persons detained also guarantees the variability of the number of prisoners in relation to the maximum holding capacity.

74. The policy of the State is not aimed at punishing juveniles that have committed a criminal offence, but at correcting these juveniles, so that they can normally participate in society.

75. Against this background the “Opa Doeli” youth detention centre was established by the State. Several youth are detained here and supervised, and they are obliged to go to school.

76. The process to arrive at imposing corrective measures is done in specially designed chambers by a judge for juveniles and a public prosecutor for juveniles.

77. Currently 243 patients are committed to the Psychiatric Centre Suriname. The below table provides an overview of the number of patients in the different departments.

<i>Chronic departments</i>		<i>Observation departments</i>	
Spanmakandra	24	Detox	9
Kolibrie	29	OOBM	41
Childrens' Pavillion	16	OOBV	22
Paloeloe	41	Srefi Jepi	23
Pasensie	16		
Female geriatry	15		
Male geriatry	7		
Total	148	Total	95

78. The Government has formulated a Policy plan Mental Health 2015 – 2017. Within this framework activities have been included to strengthen effective leadership and management for mental health care (geestelijke gezondheidszorg – GGZ) (see Annex 5, Work plan Mental Health 2015 – 2017). The activities are mainly aimed at formulating Bills and where necessary amend legislation in the field of mental health care.

79. Furthermore, with the evaluation and further development of the Social Psychiatric Service (Sociaal Psychiatrische Dienst – SPD) in 2015 the goal was formulated that it will treat and counsel (chronic) patients to prevent psychiatric decompensation and to achieve maximum resocialisation and rehabilitation of psychiatric patients. The SPD is the department that deals with chronic psychiatric outpatients. The Day Centre that is part of the PCS has as goal the guidance of patients/ clients and providing occupational therapy and other therapies, so that these persons can be rehabilitated and resocialised and

commitment can be prevented. It concerns under these treatment/ activity programmes, amongst other things, psychiatric treatments and guidance, occupational therapy and creative therapy, sports and recreational activities, educational activities (self-care and illness management, for example Liberman training), social orientation and resocialisation initiatives. The day activities are needle work, handicrafts, sports and games (swimming), wood working, making souvenirs/ handicrafts, drawing and painting. Furthermore PCS has established in 2014 two housing facilities having as goal the rehabilitation and resocialisation of chronic psychiatric patients by means of housing and work supervision.

80. If the State bases itself upon the 1977 Surinamese Code of Criminal Procedure (Bulletin of Acts, Orders and Regulations S.B.1977 no.94), then in the spirit of that Act a beginning was made with a high level of protection of the suspect. What was only an embryonic idea at the time, has in the currently applicable Code of Criminal Procedure been given substance. The new guidelines also have their foundation in this spirit. Thus the term for detention was brought back from at most 44 (forty-four) days to at most 37 (thirty-seven) days, and the maximum period of police custody from 14 (fourteen) days to 7 (seven) days.

81. In practice a policy is also applied that although the first time of bringing the suspect before the public prosecutor has to take place by law within 7 days, bringing the suspect before the public prosecutor now takes place already within 4 days. The review of lawfulness of taking the suspect into police custody is now done by the investigative judge of his own motion. This was done in the past only at the request of the suspect.

82. The Surinamese legislation corresponds very well with the provisions of the International Covenant on Civil and Political Rights, which in fact contains the same provisions.

83. With regard to the Constitutional Court, the Bill for the establishment of this Court has already been prepared and submitted to the National Assembly for treatment and adoption. After the Bill is passed by the National Assembly the Government will turn to the proclamation and staffing of this Court.

84. Pursuant to Article 20 Paragraph 5 of the Code of Criminal Procedure the suspect has the right to an attorney. This article reads as follows:

1. *The suspect shall be authorised, pursuant to the provisions of the Third Title of this Code, to be assisted by one or more selected or assigned attorneys.*

2. *For that purpose, he shall be given the opportunity as much as possible, each time he so requests, to make contact with his attorney or attorneys.*

85. This legal provision gives the suspect the right to immediately contact his lawyer. The apprehended suspect who is not capable of paying for a lawyer, is provided a lawyer free of charge. The allocation is done by the Legal Aid Bureau. In addition, allocations by the own motion of the Court are made in the first hearing, if the suspect indicates to wish to avail himself of such right.

86. As the State stated earlier in answering Question 17, the apprehended suspects and in police custody are brought within a most 7 days before the court. This policy guarantees that the apprehended suspects appear before a judge as soon as possible.

87. The State would hope to see that more judges are appointed so that the work pressure on the existing corps of judges is eased, and that is also the reason why the policy of the State is focused on further expanding the Judiciary (both the judges and the public prosecutors). Throughout the years, the policies conducted have also resulted in more judges being trained.

88. It should be noted that despite the fact that the number of judges is not at the desired level, the influence on the speed with which a suspect is brought before the court is not noticeable.

## **IX. Freedom of expression and association and right of peaceful assembly (arts. 19, 21 and 22)**

89. The freedom of peaceful association and assembly is laid down in Article 20 of the Constitution of Suriname. There is no formal complaint known in which the enjoyment of this right granted by the Constitution to everyone who finds himself in the territory of Suriname is hindered. As yet the current legal provisions that guarantee the optimal enjoyment of this right are satisfactory.

90. The State is not familiar with the accusations of alleged regular intimidation of human rights activists and journalists. If these are true, then the victims should report these to the independent judicial authorities, as intimidation is prosecutable under criminal law. There is a good cooperation with the Surinamese Association of Journalists. This umbrella organization for journalists also did not lodge a complaint with regard to the obstruction of the right to freedom of expression with the Ministry responsible or the judicial authorities.

91. This organization and the complete media sector have formulated a proposal to establish a Media Board. This proposal was adopted by the State and the first steps to arrive at a Media Board are being prepared.

92. As in most countries access to information held by public bodies remains a challenge, however, Suriname is committed to improve this. The Freedom of Information Bill is currently being treated. It is to be expected that this Bill will be submitted within a short period to the National Assembly for adoption.

93. The State is currently involved in the implementation of the e-government project and the e-window, so that by means of pressing a button each citizen can freely and rapidly have information available that is suitable for publication. The Freedom of Information is also included in the Government Policy Programme.

## **X. Right of the child (art. 24)**

94. The 3<sup>rd</sup> periodic report of Suriname already indicated that in the Bill for the amendment of the Penal Code the minimum age to be liable to punishment was increased from 10 to 12 years of age. This has in the meantime become a fact with the amendments to the Penal Code having become effective as of the 13th of April 2015. (Bulletin of Acts, Orders and Regulations S.B.2015 No. 44).

95. The State of Suriname is indignant that it is stated that corporal punishment is still lawful at home and alternative care settings. The State wishes to emphasize that all forms of corporal punishments have been criminalized by law (Articles 360 - 363 Penal Code). Under these legal provisions fall all forms of corporal punishments and the guilty parties are punishable as a matter of course.

96. At the beginning of each school year the Ministry of Education, Science and Culture furthermore gives specific instructions to schools and other educational institutions, in respect of the prohibition to apply corporal punishment at school.

97. In case of a violation of these rules, the party at fault can be dismissed or punished pursuant to Article 61 of the 1962 Personnel Act.

98. In practice, however, there appear to be challenges confronting the State.

99. Convinced that discouraging corporal punishment is an important and continuous process, the policies of the State are aimed at further intensifying the efforts made to that effect. Within this framework the emphasis will be mainly on supervision in respect of the compliance with existing legislation and measures will be taken or sanctions imposed on those who are found to be guilty of applying corporal punishment.

100. Within this framework can be indicated that in the Integral Plan for Children and Adolescents (2012-2016), a dimension is included that is specifically focused on combating all forms of violence against children. The Presidential Task Force Child and Youth Policy is currently working on updating the priorities for the new plan of action.

101. In the fight against child abuse and the eradication of sexual exploitation, the State has also complied with the adoption of the amendment of the Penal Code and its entry into force with this by including provisions therein that are specifically focused on the protection of children. Thus juvenile prostitution and the presence on purpose of a person when indecent acts are perpetrated by someone with a child are now punishable under Articles 303a and 303b. The already existing article on child pornography (Art. 293) was expanded.

102. Other articles which were included in the Penal Code to protect juveniles are Articles 295 through 306.

103. In the field of Child Labour the State has ratified several conventions at the international level, of which the ILO Convention no. 182 concerning the Elimination of the Worst Forms of Child Labour in 2006. The State is examining the accession of Suriname to the remaining three ILO fundamental labour standards, including the ILO Convention no. 138 that deals with minimum ages.

104. Out of its responsibility the State already has on a national level several laws that prohibit child labour.

105. In 2008 the Order on the National Commission Eradication of Child Labour was adopted, which order deals with a multidisciplinary mechanism, which is amongst other things charged with the formulation, coordination and monitoring of the implementation of the national policies concerning the further eradication of child labour.

106. The Order on Hazardous Labour by Juveniles, which order regulates the performance of labour by juveniles (persons between 14 and 18 years of age) and contains a list of labour (according to nature and circumstances) which these persons are prohibited to engage in, came into force in 2010.

## **XI. Rights of persons belonging to minorities (art. 27)**

107. In the Surinamese reality and composition minorities do not exist. This reality can also be found back in Article 8 Paragraph 2 of the Constitution of Suriname. This Constitutional provision lays down that no one may be discriminated against on the grounds of birth, sex, race, language, religious origin, education, political beliefs, economic position or any other status.

108. Within the Surinamese reality and composition it is therefore true that all groups in Suriname, which form the Surinamese multicultural nation, are represented in government, where they bear also government responsibility.

109. The recognition and protection of Indigenous and Maroon groups and their land rights is high on the agenda of the State. Within the framework of the implementation of the Moiwana and Saramaka judgments the State has made some important steps to be able to

fully implement the judgments. In 2013 the President of the Republic of Suriname appointed a special agent “the Presidential Commissioner Land Rights”, who has as tasks:

1. Giving advice on all aspects regarding the solution of the land rights issue
2. Making proposals to prevent socially imbalanced consequences of the land rights issue for the Surinamese nation.

110. This official has intensively cooperated from within his executive office (Land Rights Bureau) with representatives of Indigenous and Maroon communities. Introduction meetings were held and in these meetings it was established that the so-called land rights issue has to be addressed integrally and thus starting from the Constitution of Suriname and the Surinamese reality of unity in a diversity of multi-ethnicity and multi-culturality. In this approach the Indigenous and Maroon peoples are an integral, yet distinguishable, but indivisible part of the Surinamese Nation.

111. After these meetings the State had a meeting on the 27<sup>th</sup> of September 2013 in a larger context with the representatives of the Indigenous and Tribal communities to prepare a national conference in which representatives of the whole nation and all relevant functional groups would meet over the solution of the for Suriname unconstitutional issue of land rights. That solution is found within the framework of harmonizing the administrative organization of Suriname with the letter and spirit of the Constitution.

112. Starting from the current situation and the development of new communities, it is desirable and necessary to further legally frame our administrative organisation as a country. In accordance with the Government Statement the “so-called land rights issue and the position and facilities of the traditional authorities” will be arranged, and more in particular in a manner that complies with the aspirations of all Surinamers, the legislation of the country, the democratic rule of law, and the further development of a sustainable, peaceful, multi-ethnic, multicultural and multi-religious society.

113. In the Annual Address the Government announced that it will already in the financial year 2016 make a start with a Bill for a Framework Act for the decentralized administrative structure of our country. The necessary legal products and provisions for that purpose will be developed in phases.

114. In anticipation of this, the following parts of the Saramaka judgment have already been executed:

- The translation and publication of Chapters VII and IX of the judgment in the Bulletin of Acts, Orders and Regulations, and a newspaper
- The financing of two radio broadcasts in the Saamaka language
- Tangible and intangible compensation of USD 675,000 Expense Allowance
- Expense allowance.
- Payments to the development fund for a total amount of USD 1,200,000
- Public apology and recognition of international responsibility
- Establishment of a monument.

115. It is customary that when granting a concession right for engaging in mining activities to local companies or multinationals, the traditional authorities of the groups living in tribal communities in Suriname are consulted, if the concession area falls within or in the direct vicinity of groups living in tribal communities.

116. The Meriam gold mine project is an example of this. In the Annual Address of the financial year 2016 the President of the Republic of Suriname has again emphasized this policy in which the traditional authorities are consulted when concessions are granted.

117. There are enough examples where at the advice of the Traditional Authorities of these groups, the State has decided not to grant concession rights in the direct vicinity and living areas of these groups. The TapaJai Project is one such example.

## **XII. Dissemination of the Covenant (art. 2)**

118. From 29 June 2015 through 14 August 2015 the Ministry of Justice and Police in cooperation with the UNDP gave a human rights training for the media, religious organizations and NGOs. This training was provided on the basis of the project document titled "Support for the Implementation of the Policy Plan for Legal Protection and Security, Legal Protection and Anti-Corruption". Making the target groups aware of the application of international principles and standards for human rights were at the focus of above-mentioned training. Thus a start was made to broaden the knowledge within civil society in as far as international human rights conventions and declarations are involved, including the International Covenant on Civil and Political Rights.

### **Conclusion**

119. The Government of the Republic of Suriname recognizes the importance of the reporting obligations originating from the various human rights instruments, including the ICCPR.

120. In addition, the Government of the Republic of Suriname, representing the State party, recognizes its obligations as set forth in the Covenant and therefore remains committed to play its part in ensuring the application and implementation of the human rights of its nationals as enshrined in its Constitution and other legal instruments.

121. In this regard, the Government of Suriname is ready to provide the Committee with additional information with regard to the human rights situation, in particular civil and political rights, in the jurisdiction of the Republic of Suriname.

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