



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/SUR/2003/2
4 July 2003

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

Second Periodic Report

SURINAME*

[1 July 2003]

* This report is issued unedited, in compliance with the wish expressed by the Human Rights Committee at its sixty-sixth session in July 1999.

CONTENTS

NATIONAL REPORT OF THE REPUBLIC OF SURINAME PURSUANT TO ARTICLE 40 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS - ICCPR

PART I

GENERAL INFORMATION ON THE REPUBLIC OF SURINAME

	<i>Page</i>
General demographic data and economic data	5
Geographical location and demographic data	5
Economic data	6
General political structure	6
Introduction	6
Head of State	7
Legislative Power	7
Executive Power	8
Regional Administration, Regional Legislation and Regional Governments	8
Judicial Power	8
Army and Police	10
Protection of Human Rights	10
The Constitution	11
The Criminal Code	13
Protection of Human Rights	13
State of Emergency and Human Rights	14

CONTENTS (*continued*)

PART II

**ANALYSIS OF THE RIGHTS RECOGNIZED IN THE ICCPR WITH
REGARD TO THE REPUBLIC OF SURINAME**

	<i>Page</i>
Introduction	14
Article 1 - ICCPR	15
Article 2 - ICCPR	17
Article 3 - ICCPR	19
Article 4 - ICCPR	21
Article 5 - ICCPR	22
Article 6 - ICCPR	22
Article 7 - ICCPR	25
Article 8 - ICCPR	27
Article 9 - ICCPR	27
Article 10 - ICCPR	30
Article 11 - ICCPR	31
Article 12 - ICCPR	32
Article 13 - ICCPR	33
Article 14 - ICCPR	33
Article 15 - ICCPR	35
Article 16 - ICCPR	35
Article 17 - ICCPR	36
Article 18 - ICCPR	36
Article 19 - ICCPR	37
Article 20 - ICCPR	38

CONTENTS (*continued*)

	<i>Page</i>
Article 21-22 ICCPR	39
Article 23 - ICCPR	40
Article 24 - ICCPR	41
Article 25 - ICCPR	46
Article 26 - ICCPR	47
Article 27 - ICCPR	48
Closing Remarks	52

PART III

Conclusion	52
List of Annexes	53

PART I

GENERAL DEMOGRAPHIC DATA AND ECONOMIC DATA

Geographical location and demographic data

1. The Western coast of the Guyana's, of which Suriname is part, was discovered in the late fifteenth century. The original inhabitants were Amerindians. After different colonization attempts by the English and the French had failed, the Dutch captured Suriname in 1667. The colony's plantation economy was based on cheap labour with slaves from Africa. After slavery was abolished in 1863, indentured labourers were recruited in India, Indonesia and China. The descendants of these immigrants are now from the larger part of the population of Suriname.

2. Suriname lies on the northeastern part of the continent of South America, between 60 and 20 degrees North latitude and 54 and 56 degrees longitude West. It borders on the Atlantic Ocean in the North, Guyana in the West, French Guyana in the East and Brazil in the South. Suriname is divided into 10 administrative districts. Its capital city is Paramaribo.

3. The country, which is largely covered by tropical rainforest, has a surface area of about 166,820 square kilometers. About 90 per cent of the population lives in the coastal area, while 72 per cent of the population lives in a 30 km radius around the capital of Paramaribo.

4. About 10 per cent of the population lives in the Northwestern area in and around Nieuw Nickerie, the main town of the District of Nickerie, while 8 per cent is found spread out in the coastal areas to the East and West of the agglomeration of Paramaribo. More or less 10 per cent of the population lives in the area South of the coastal area, most of them Amerindians and Maroons, who live in tribes along the upper courses of the larger rivers.

5. The economically active population consists of 127,000 persons and the number of economically active people who are employed is estimate at 100,000. This implies that about 30 per cent of the economically active people might be classified as unemployed. Suriname has a multi-ethnic population which consists of Amerindians (3 per cent) and Maroons (10 per cent), Creoles (35 per cent), Indian (35 per cent), Javanese (16 per cent), Chinese (2 per cent), Lebanese and European descendants (1 per cent). There are an estimated 170,000 Christians, 109,350 Hindus, 81,000 Muslims and 44,550 persons with other religious convictions (among whom the Amerindians, Maroons and Jews). The enormous cultural diversity characterizes Suriname as a fascinating society with different ethnic groups, each with their own language (See annex 1: photo indicating the ethnic diversity of Suriname's population). At least fifteen different languages are spoken among which:

- Two Western languages: Dutch and English;
- One Creole language: Sranan Tongo;
- Three Asian languages: Sarnami Hindi, Surinamese Javanese and Haka Chinese;
- Two maroon languages: Auka, Saramaka;
- Six Amerindian languages: Akurio, Carib, Trio, Wayana, Warao and Arowak.

6. Dutch is the official language and Sranan Tongo is the lingua franca. Although English is not a second language, it is widely spoken. English is a mandatory course in the curricula of the middle school and high school in Suriname. This means that there is a large number of more or less established languages spoken among a relative small population, while in the variety that was mentioned the Arabic spoken exclusively by the Lebanese and Muslims and the Urdu spoken by older Indian people, have not been included. It is said that a large number of persons in Suriname are bilingual or multilingual.

7. The General Bureau of Statistics publishes gathered relevant statistics over the years. Health statistics are gathered with assistance of the Public Health Bureau of the Ministry of Health. The population (2000) was estimated at 438,076 inhabitants. The population under 18 was estimated at 162,000. The annual number of births is 9,804 (2000, Public Health Bureau) and the infant mortality rate is 16.4 (1998, Public Health Bureau). The maternal mortality rate (1996, Public Health Bureau). The maternal mortality rate (1996, Public Health Bureau) was 31.9. Life expectancy for women is 70 years and for men 68 years. The number of live births in three hospitals in Paramaribo is 6,921 in 2001. Deaths in 2000 including deaths of non-resident is 3,090. (See Annex 2: Publication of the General Bureau for Statistics).

Economic data

8. In the last 10 years the economy of Suriname has been influenced by many internal and external factors. In 2001 the national income per capita was: 3,677,691 (informal sector not included). The national income (2001) was 4,140,608 (informal sector included). Exports products include bauxite, alumina, aluminum, crude oil, rice, bananas, shrimps and timber. In 2001, the value of the annual exports to Caricom countries was \$ 28,100,651. The value of exports of the agriculture sector was in the first half of 2002: \$ 28,917,517. The literacy rate (2000) for male is 90.2 per cent and for female 82.3 per cent.

9. The annual production of bauxite and aluminum is per 2001: 4,260 and 1,893 mt. (x 1,000). Export of aluminum is 1,909 mt a year.

General political structure

Introduction

10. Suriname became a colony of the Kingdom of the Netherlands in 1667 and stayed a colony till the 20th century. The first political parties were founded shortly after the Second World War and the first general elections were held in 1949. In 1954 Suriname acquired autonomy within the Kingdom of the Netherlands and on 25 November 1975 it gained independence in a peaceful manner. The Government before and after the independence consisted of coalitions of different political parties, organized for the larger part on an ethnic basis. On 25 February 1980 a military coup d'état took place, which removed the legitimate elected civil government.

11. When the first general elections after seven years of military rule were held, the constituents voted in mass for the return to a democratic government rule of law. Even though a democratic government returned to power after 25 November 1987, the military leaders still retained significant power in political, social and economic life of the State.

12. On 24 December 1990 the military once again staged a coup d'état and removed the first democratic Shankar Government after seven years of military rule, herewith destroying the fragile return of democracy in the Republic of Suriname.

13. On 25 May 1991, general elections were held and the constituents once again voted for the return to democracy in the State, (the Venetiaan I Government). In 1996, general elections were held and President Jules Wijdenbosch - a close ally of the military government in the eighties - assumed power. The last general elections were held on May 2000 and the current Venetiaan II Administration assumed power.

14. In the eighties the lack of respect for the constitutional State, serious violations of human rights, a devastating war in the hinterland of Suriname and the democratization process, which was officially started when the Shankar administration was installed in January 1988, suffered from the second coup d'état on 24 December 1990, brought a set back in democracy. As stated above democracy was restored shortly after that when in May 1991, a democratically elected civilian government assumed power in Suriname.

15. The present Constitution of the Republic of Suriname, with its 180 articles, was proclaimed in 1987 and amended in 1992 (See Annex 3: Constitution of the Republic of Suriname). This Constitution, which was drawn up during the military regime, was approved by referendum on 30 September 1987. An amendment of the Constitution took place 1992. According to the Constitution, the Republic of Suriname is a democratic State, based on the sovereignty of the people and respect for and the guaranteeing of fundamental rights and freedoms. The system of government is a presidential system with parliamentary supervision.

Head of State

16. The President is the Head of State of the Republic of Suriname, Head of Government, Chairman of the Council of State and Chairman of the Security Council. The Council of State advises the Government on matters of general policy, the legitimacy of bills, State decrees and international agreements. The President is the commander-in-chief of the armed forces, is responsible for foreign policy and promotes the developments of the international legal order. The President is chosen for a period of five years by the National Assembly and is answerable to the National Assembly. At his inauguration the President takes the prescribed oath before the National Assembly (DNA).

Legislative Power

17. The Legislative Power is discussed in Chapter XI of the Constitution. The legislative power is jointly exercised by the National Assembly and the Government. The socio-economic and the political policy which the Government will conduct are submitted to the National Assembly for its approval. Furthermore, the National Assembly supervises the work of the Government in accordance with the Constitution. The National Assembly consists 51 members who are chosen per district on the basis of free and secret elections for a term of five years, in accordance with the system of proportional representation with the largest average and

preferential votes. During the first meeting of the National Assembly, which must take place within thirty days after the elections, the meeting elects a speaker and a deputy speaker of the National Assembly. The National Assembly shall establish its own standing orders, which must be published in the official gazette.

Executive Power

18. The Executive Power is discussed in Chapter XIII, 2nd Section of the Constitution. The executive power is vested in the President. Together with the Vice-President and the Council of Ministers, he forms the Government of Suriname. The Government determines the policy and is answerable to the National Assembly. The Government can draw up legislation (laws and regulations).

19. The law threatens with penalties in case of violation of the manner in which State laws are promulgated. The Vice-President is in charge of the day-to-day operations of the Council of Ministers and as such is answerable to the President. The Council of Ministers, which at present consists of 16 Ministers and 2 deputy ministers, is the highest executive and administrative body of Government. The Council of Ministers is responsible for, among other things, the policy to be conducted by the Government and the preparation of legislative and administrative regulations.

Regional Administration, Regional Legislation and Regional Governments

20. The Regional Administration is discussed in Chapter XXI of the Constitution. The democratic order of the Republic of Suriname comprises two representative bodies at a regional level, namely the district councils and the local councils, which are composed after elections held within the district or administrative jurisdiction concerned. The district and local councils participate in the preparation, establishment and implementation of plans for their respective districts and administrative jurisdictions concerned. The supervision over the districts is exercised by the Government in a manner and in cases provided by the law. The District Council is responsible for laws and regulations for the district. If a district ordinance is in contravention with the Constitution, the Government program or existing legal regulations, the National Assembly can repeal the district ordinance.

21. Each district has an administration consisting of the District Commissioner who is the head of the district and representatives of the different ministries in the district. The local government is responsible for the day-to-day business the district.

Judicial Power

22. The Judicial Power is discussed in Chapter XV of the Constitution. The judicial power in Suriname consists of the President of the High Court of Justice, the Vice-President, its members and deputy members, the Attorney-General and the other members of the public prosecutions office, as well as other judicial officers appointed thereto by law (See article 133 of the Constitution). Any interference in the detection and prosecution of matters and in matters brought before the court is prohibited. The High Court of Justice is the highest body of judicial power and is charged with the pronouncement of justice and supervision of the general procedure of law and the dispatch of court proceedings. The high Court of Justice further has the right to take note of matters of the Cantonal Courts, when they are appealed.

23. The President, Vice-President, members and deputy members of the High Court of Justice together form the judicial power responsible for the pronouncement of law. The president, vice-president, members of the High Court of Justice and the Attorney-General are appointed for life by the Government.
24. The Constitution provides for a Constitutional Court, which is charged with the judicial review of the contents of laws or parts thereof in respect of the Constitution, as well as the review of agreements with other nations and with international organizations. The Constitutional Court is also charged with adjudging whether the decisions of government bodies are compatible with one or more rights and freedoms laid down in the Constitution. At this time the Constitutional Court does not yet exist, although a bill regarding its composition, establishment and procedures was submitted to the National Assembly.
25. The public prosecutions office is solely and entirely responsible for the detection and prosecution of criminal offences. The Attorney-General is head of the public prosecution office and is also responsible for judicial police care. The Attorney-General furthermore takes care of the proper exercise of the tasks assigned to the police.
26. The general prosecution policy is determined by the Government. Only in extreme exceptional cases involving the security of the State, the Government can instruct the Attorney-General with regard to the prosecution. The Attorney-General is also appointed for life by the Government.
27. Article 131, paragraph 1 of the Constitution States that the administration of justice in Suriname is done in the name of the Republic. The unity of jurisdiction is thus demonstrated. Pursuant to the Constitution of Suriname the Judiciary is in charge of the administration of justice in the State.
28. A few acts serving as the legal basis for the acting of the Judiciary are:
- (a) The Constitution;
 - (b) The Judiciary Organization Act of the Surinamese Judiciary GB 1935 No. 79 as last amended in SB 2001 No. 39;
 - (c) The Code of Civil Procedure, the Code of Criminal Procedure, the Civil Code and the Penal Code;
 - (d) Internal statutory regulations of the Judiciary.
29. Surinamese law knows two authorities that can administer justice:
- (a) The sub-district court - is the first court in the State and is also referred to as the Cantonal Court;
 - (b) The High Court of Justice: article 139 of the Constitution names the High Court of Justice as the highest authority entrusted with the administration of justice in Suriname.

30. The provisions in article 132 of the Constitution further indicate the direction of the administration of justice in all matters about civil proceedings and the imposition of punishments.

31. Article 136 of the Constitution safeguards the important rights of the individual. All the decisions of the judge shall state the grounds on which the decision is based. Public hearings guarantee that no secret sentences can take place.

Army and Police

32. The Constitution of 1987 mentioned a number of provisions on the basis of which intervention by the Army in government authority was justified. The Constitution which was amended in 1992, brought an end to this situation. The task of the Army is at present restricted to the defence of the sovereignty and the territorial integrity against foreign-armed intervention. Other tasks will be provided by law. The present, amended Constitution also lays down that the army is to carry out its task under the supervision of and subject to the instructions of competent authorities.

33. The Government of Suriname is working towards the transformation of the Army in a so called "Development Army". In this respect, the Army often works closely with the police in cases of nation wide activities to for example combat crime. Currently, both the Army and the police are working at the Operation "Safe Suriname". In this Operation these organs of the State work together in implementing the policy of the State to combat the growing crime nation wide.

34. In contradiction with the period under the military government (1980-1988), the military currently do not have the authority by law to investigate crime in the State. This was changed shortly after the democratic elected government assumed power in Suriname in 1987. A few high military officers are charged by law with the limited authority to investigate crimes in the State. Since, military officers can't issue legal means of coercion, except in cases of a citizen's arrest they assist the police in its work.

35. The President of the Republic of Suriname is the commander-in-chief of the armed forces. The Police Corps of Suriname is charged with maintaining public order, domestic security, prevention of violations thereof and protection of persons and goods. Moreover, the police have been assigned the task to detect criminal offences and supervise compliance with legal provisions, which are punishable by law. The police exercise their task under the responsibility of and subject to the competent authorities.

Protection of Human Rights

United Nations Human Rights Instruments (See annex 4: List of United Nations Human Rights Instruments)

36. Suriname is party to the following international human rights instruments:

- (a) Convention on Civil and Political Rights and Optional Protocol I;
- (b) International Convention on Economic, Social and Cultural Rights;

- (c) International Convention on the Eradication of All Forms of Racial Discrimination;
 - (d) International Convention on the Suppression and Punishment of the Crime of Apartheid;
 - (e) International Convention on the Eradication of All Forms of Discrimination of Women;
 - (f) International Convention on the Rights of the Child.
37. Regional Human Rights instruments (Organization of American States):
- (a) American Convention on Human Rights;
 - (b) Additional Protocol to the American Convention on Human Rights in the area of Economic, Social and Cultural Rights (Protocol of San Salvador);
 - (c) Inter-American Convention to Prevent and Punish Torture;
 - (d) Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Convention Belem do Para).
38. In the field of human rights, Suriname also acceded to the following conventions of the International Labour Organization (See annex 5: List of ILO Human Rights Instruments).
- (a) Convention No. 29 Concerning the abolition of forced labour;
 - (b) Convention No. 87 concerning freedoms of associations and protection of trade union freedom;
 - (c) Convention No. 105 concerning the abolition of forced labour;
 - (d) Convention No. 135 concerning representation of labourers;
 - (e) Convention No. 155 concerning labours relations.

39. In addition to above mentioned Conventions, the State is a party to the ILO Conventions Nos.: 11, 13, 14, 17, 19, 27, 41, 42, 62, 81, 87, 88, 94, 95, 96, 98, 101, 106, 112, 118, 122, 144, 150, 151 and 154.

40. The Constitution lies down that provisions which, according to their contents, can be binding for everyone, will have binding power after their promulgation. The binding provisions of the agreement will take precedence above the national legislation.

The Constitution

41. The Constitution of Suriname gives much attention to personal rights and freedom, on the one hand, and to social, cultural and economic rights on the other hand. The following is an enumeration of provisions in the Constitution in which the protection of these rights is expressed.

42. Chapter I of the Constitution:

- (a) Respect for the guarantee of fundamental rights and liberties (art. 1);
- (b) Freedom to travel and to reside in Suriname (art. 3, para. 3);
- (c) Equal opportunities to be appointed to any public office (art. 3, para. 4);
- (d) The responsibility of the State to provide for sufficient employment with the guarantee of freedom and justice (art. 4, para. c)

43. Chapter V of the Constitution refers to personal rights and freedoms. This chapter contains different principles that are laid down in international human rights conventions:

(a) Equality and non-discrimination on the grounds of birth, sex, race, language, religion, origin, education, political conviction, economic position or social conditions or any other status (art. 8);

(b) The right to an equal and public treatment of a complaint within a reasonable time by an independent and impartial judge in case of violation of rights and freedoms (arts. 10, 11 and 12);

(c) Rights and freedom:

- Physical, mental and moral integrity (art. 9);
- Right to life (art. 14);
- Personal liberty and safety (art. 16);
- Respect for privacy, family life, home, honor and good name (art. 17 para. 1);
- Confidentiality of correspondence, telephone and telegraph (art. 17 para. 3);
- Freedom of religion and philosophy of life (art. 18);
- Freedom of opinion and expression thereof (art. 20);
- Freedom of peaceful association and assembly (art. 20);
- Freedom of demonstration (art. 21).

44. Chapter VI of the Constitution contains social, cultural and economic rights and obligations, of which the following principles concern rights and freedoms:

(a) The right to work under humane, safe and healthy conditions, the right to a remuneration for work, the prohibition of forced labour or compulsory labour, freedom of trade union, rights of trade unions and entrepreneurs, and the right to strike (articles 24, 26, 27, 28, 29, 15, 30, 31, 32 and 33 and also article 22 of chapter V);

- (b) The right to an undisturbed enjoyment of property and prohibition of expropriation, except in the general interest, pursuant to rules laid down by law and against an assured compensation (art. 34);
- (c) The protection of family, the protection of the child, the right of working women to paid maternity leave (arts. 35 and 36);
- (d) Equality of men and women before the law (art. 35, para. 2);
- (e) Right to health (art. 36);
- (f) Right to free primary education and the obligation of the State to guarantee access to all educational levels, scientific research and cultural creations (arts. 38 and 39).

The Criminal Code (Annex 6: relevant articles of the Criminal Code)

45. The Criminal Code distinguishes, inter alia, two categories of criminal offences. In the first category the society - as a community of individuals - is central and the offences comprise acts, which yield a violation of rights and interests of the society, which are protected by law. In the second category the individual is central and this category contains acts, which yield a violation of rights and freedoms of the individual, his person or property.

46. All criminal offences, which refer to violations of human rights and freedom, as contained in international instruments, are punishable according to Surinamese criminal law. Criminal offences such as murder, manslaughter, abuse, kidnapping, detention, rape, insult and unlawful entry are criminal offences, which have to do with human rights in the sense that they involve - physically and emotionally - human beings.

47. Other offences such as embezzlement, corruption, counterfeiting, sabotage, treason and destruction of utilities were added as criminal offences to protect the interests of society in its entirety with a view to security, stability and peace and to bring order in the interests and promote confidence in business.

Protection of Human Rights

48. Violations of basic rights are submitted to the Court of justice. The Constitutional Court yet to be installed will have the task to review laws or part thereof as whether they are not in contravention of the Constitution and international conventions as well as the adjudication of whether decisions of government bodies are compatible with basic rights. The Government of Suriname aims at guaranteeing human rights and fundamental freedoms as laid down in different international documents on human rights and to punishing violations of these rights.

49. In the Government Program of the Venetiaan I Administration (1991-1996), measures were proclaimed for the promotion and protection of human rights (See annex 7: Government Program Venetiaan I Administration). In this connection, reference is made to projects which were out and which aimed at qualitative and quantitative improvement of the judiciary and the police apparatus.

50. In the Government Program of the Venetiaan II Administration (2000-2005), also several measures are stated for the promotion and protection of human rights (See annex 8: Government Program Venetiaan II Administration).

State of Emergency and Human Rights

51. According to article 23 the Constitution, in case of war, threat of war, martial law and State of exclusion or for reasons of State security, public order or good morals, the rights laid down in the Constitution can be restricted by law. The same article states that this may only take place for a certain period of time, with due respect for the international rules applicable with respect thereto. State of war, martial law, state of emergency and the termination thereof must be proclaimed by the President by law through the National Assemblée (DNA).

52. This article explicitly states that the international laws, principles and norms must be taken into account. This indicates that based on international law the State will not be able to derogate from certain rights as mentioned in several international human rights conventions. Article 23 of the Constitution is in conformity with article 4 of the ICCPR. Analysis of the provisions of the International Covenant on Civil and Political Rights (ICCPR)

PART II

ANALYSIS OF THE PROVISIONS OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)

Introduction

53. Suriname became a party to the ICCPR shortly after its independence. On 28 December 1976 Suriname acceded to the ICCPR and also became a party to the First Optional Protocol to the ICCPR. Both instruments entered into force on 28 March 1977.

54. In May 1979 the Government of Suriname presented its initial report pursuant to Article 40 of the ICCPR. In July 1980 Suriname participated in the 10th Session of the Human Rights Committee regarding the initial report submitted by the Government. The Committee was extremely interested in the implementation of the rights enshrined in the ICCPR, since in February 1980 (after the report was submitted to the Committee), a group of military staged a coup d'état and the elected democratic Government was removed from power.

55. Since its initial report, the Republic Suriname has not reported to the Human Rights Committee with regard to the measures it has adopted to give effect to the rights recognized in the ICCPR. This is due to several circumstances among which:

- (a) From 1980 till 1987 the State was ruled by military;
- (b) From 1987 till 1991, even though a democratic elected Government assumed power after the November 1987 elections, the military were de facto still a dominating factor in the State;
- (c) In December 1990 the military staged a second coup d'état destroying the fragile democratic rule of law that has precariously been established after seven years of military rule;

(d) Military and para-military disturbances in the interior of the State;

(e) Several internal problems caused by previous military rulers, who manoeuvred themselves into key positions in society, which hampered the further development of the democratic institutions of the State.

56. The Government knows that based on the provisions of the ICCPR she has the obligation to report regularly to the esteemed Human Rights Committee, and that these reports are essential for safeguarding the rights of its citizens as set forward in the ICCPR. Above mentioned reasons are therefore not in any case given to make up for its failure to comply with the provisions of the ICCPR. These reasons are stated to inform the Human Rights Committee of the underlying factors that have caused Suriname's inability to report.

57. Since this Government strongly believes that all its citizens must be enabled to enjoy their human rights to their fullest extent, it has tried to achieve this goal under the circumstances which existed in the Republic of Suriname, over the years. The Government of Suriname assures the Human Rights Committee that Suriname stands for an open and transparent policy in which the enjoyment of human rights of its citizens, is a main priority.

Article 1. ICCPR

Citation from the Preamble of the Constitution

58. "... Convinced of our duty to respect and safeguard the principles of freedom, equality and democracy as well as the fundamental human rights and freedoms."

59. With this citation from its Constitution, the State wants to demonstrate its commitment with regard to the enjoyment of the fundamental human rights and freedoms in a democratic society.

60. On 25 November 1975 Suriname became independent from the Kingdom of the Netherlands and became a sovereign State with the right to self-determination.

61. Individual civil and political rights in Suriname are established mainly by the constitution of the Republic of Suriname (hereinafter after the Constitution). The current constitution was adopted by a public referendum in 1987. Even though the Constitution does not mention the Universal Declaration on Human Rights, it was clearly inspired by this Declaration. Chapter I of the Constitution is devoted in its entirety to the basic civil, political economic and social rights of the individual. In addition to chapter I, the Constitution includes provisions that relate to the rights specified in the ICCPR.

62. The Surinamese people have the right of self-determination. With this right fully exercised, the people established a political system that tends to give them the possibility to freely pursue economic, social and cultural development for each individual and for the nation as a whole. As reflected in article 1 of its Constitution the Republic of Suriname is a democratic State based on the principles of sovereignty (self-determination) of the people and safeguarding the basic rights and freedoms of individuals.

Article 1, paragraph 1 of the Constitution of 1987 states the following:

63. The Republic of Suriname is a democratic State based on the sovereignty of the people and on respecting and safeguarding the fundamental rights and freedoms. With regard to the equal protection of citizens it may be said that this is guaranteed in the Constitution in paragraph 1 of the same article.

64. Chapters 5 and 6 of the Constitution give rules concerning equal protection of citizens. Reference is made to the articles 8 to 38 that safeguard the fundamental and social rights of citizens.

65. Constitutional and political processes make it possible in practice to exercise the rights as contained in article 1 ICCPR.

Constitutional provisions:

66. Article 1, paragraph 2 of the Constitution states that the Republic of Suriname determines its own economic, social and cultural development in complete freedom.

67. Article 41 of the Constitution states that the natural resources belong to the whole nation and that these resources must be used to establish economic, social and cultural development of the whole nation.

68. Article 5 sub 1 of the Constitution states that the economic goals of the Republic are aimed at the creation of a national economy, free of foreign domination and in the national interest of the Nation.

69. **Article 5, paragraph 2** states that the economic system in which socio-economic development takes place is characterized by the joint, simultaneous and equivalent functioning of State companies, private enterprises, enterprises in which State and private individuals jointly participate and cooperative enterprises, in accordance with the prevailing relevant statutory rules.

70. Article 5, paragraph 3 states that it is the duty of the State to promote and safeguard all entrepreneurial production as much as possible.

71. Concerning paragraph 2 it can be said that the lack of an Investment Act adapted to the present does not benefit the economy, since all foreign investors first want to know (before they invest) the statutory conditions of the country are based on the Investment Act.

Article 1, paragraph 2 ICCPR

72. In 1975 Suriname started mining other natural resources besides bauxite, which it has been mining for years. For example, a beginning was made with the exploitation of crude oil and the State Oil Company (Staatsolie) was established. In 1997 this company put a small refinery into operation. For the “on-shore” as well as “off-shore” exploration of crude oil, Staatsolie entered into a form of cooperation with foreign companies.

73. The State of Suriname has also signed an agreement with a new foreign bauxite company to explore and exploit a new bauxite mine in the interior of Suriname. Furthermore the Government has made a beginning with the large-scale mining of gold.

74. For this purpose a State company was established that has entered into joint ventures with foreign companies. There are rumours of gold being smuggled abroad by the gold diggers, so that the State is losing money. However, no structural solution has yet been found for this problem.

75. It is worth mentioning that the State has set up a number of gold buy-up centres and that the amount of gold that the State buys is gradually increasing.

76. With regard to the wood sector we may say that here also the State of Suriname is cooperating with foreign timber companies for the harvesting of wood. In this sector wood is harvested on a large scale. There are a number of foreign companies in Suriname that are active in this sector. Furthermore, there are plans to exploit other natural resources such as natural stone and kaolin.

Article 1, paragraph 3 ICCPR:

77. Since 1967 the neighbouring country, Guyana, has occupied parts of Surinamese territory, thus seriously violating the right to self-determination of the State of Suriname. Up to now no solution has been found for this act of aggression from the side of Guyana against Suriname.

Article 2. ICCPR

78. Article 8 of the Constitution states the rights mentioned in this article of the ICCPR. These rights are analysed in detail in the articles 9-39 of the Constitution.

79. The current Government of the Republic of Suriname is aware of this instruction to State parties and is of good will to undertake the necessary steps in accordance with its constitutional provisions and procedures, and with the provisions of the ICCPR, to adopt legislative or other measures necessary to give effect to the rights recognized in the ICCPR. This provision of the ICCPR is discussed in detail in the articles 9-39 of the Constitution.

80. 3a and b: Article 10 of the Constitution safeguards that every one, feeling that his rights and freedoms have been infringed, has the right to an honest and public hearing of his complaint within a reasonable period and by an independent and impartial judge.

81. Article 11 of the Constitution states that no person may be withdrawn against his own will from the judge whom the law assigns to him.

82. 3c: The authorities in Suriname nearly always enforce the judgment given by the judicial authorities. It happened once that the Public Prosecutions Department refused to execute a decision of a judge (the case of Martosemito). The State was then ordered to comply under penalty of a harsh penal sum. The State had to pay a rather large sum of money to Martosemito for compensation.

83. If one does not agree to the decision of the judge in the first instance, or after have gone through the hierarchy within the administration, one may appeal to the High Court of Justice. The High Court will also function as the civil service tribunal.

84. Furthermore it may be said that the guarantees as included in the articles 10, 11, 16, paragraph 2 of the Constitution are in effect. Article 12 of the Constitution guarantees that every one has the right to legal assistance, while the financially weak are entitled to 'free' legal aid, at least legal aid that is paid by the State.

85. Separate statutory regulations contain provisions regulating the ways for individuals who are financially incapable of paying the costs of legal assistance. (See annex 9: Laws & Regulations regarding Legal Aid Assistance).

86. The Government pays the costs of a lawyer for these individuals. Furthermore, the Government has a special department at the Ministry of Justice and Police, the Legal Care Unit/Section (Afdeling Rechtszorg), which is to provide legal advice to persons who cannot pay the costs of legal aid. This unit/section is mainly concerned with an array of civil matters (tenancy agreements, employment matters, family law matters such as adoption, guardianship, change of name, etc.)

87. The Legal Care Unit/Section dealt with 1,481 cases in 2001, 1,204 cases in 2002 and 883 cases till May 2003. This department is manned with 1 lawyer and four (4) law students who will be graduating shortly (a few months). These 5 personnel provide legal aid to the individuals who contact the Legal Care Unit/Section, for assistance. There is also a long-standing relationship with the faculty of law of the University of Suriname, whereby advanced law students are contracted for an internship with this Unit. The internship is for four (4) months. Under the supervision of the lawyer(s) and the other personnel the law students also assist and provide legal aid to individuals who request service from the Unit/Section.

88. In order to lower the threshold for the financially weak, the ministry is working on some new models. The administrative procedures to qualify for free legal aid will have to be reduced considerably. This matter has the attention of the Government.

Article 16, paragraph 1 of the Constitution reads:

89. "Every one has the right to personal freedom and safety".

Para. 2: "No one shall be deprived of his freedom than on grounds and in accordance with procedures as laid down in the law".

Para. 3: "Everyone who has been deprived of his freedom has the right to a treatment that is in accordance with human dignities."

90. Article 10 of the Constitution reads:

"Everyone has in case of infringement of his rights and freedoms, a claim to a fair and public hearing of his complaint within a reasonable time by an independent and impartial judge".

91. At present it may be said that cases are not brought before the judge within a reasonable time. There is a considerable backlog in the processing of criminal and civil cases, which is due in part to a serious shortage of judges entrusted with the administration of justice.

92. The Government is aware of this undesirable situation, which is a direct consequence of the failure of successive Governments to take immediate and effective action.

93. Soon a beginning will be made with a second judicial officers training (the so-called RAIIO training). In addition, lawyers with much experience will be trained to fulfil this important position by means of a short, intensive training.

94. A draft legislation is currently under discussion within the Government. This draft legislation of Suriname regards a total restructuring of the Judiciary. The draft act aims at a structural improvement of the Judiciary. An increase of the number of Judges, two additional Courts among which a special court of Human Rights, are main objectives of this draft legislation. (See Annex 10: Draft Legislation Reformation of the Judiciary).

95. Because of the sensitivity of the matter - the separation of powers as laid down in the Constitution - the Government is of the opinion that this issue should be handled very carefully in order not to repudiate the Judiciary, a situation that took place not so long ago and which caused the necessary commotion within the community.

96. **Article 11 Constitution:** Nobody can against his will be kept away from the judge the law has assigned to him. This article corresponds with article 2, paragraph 2 of the ICCPR.

Article 3. ICCPR

97. This article of the Covenant obliges the State to take the necessary actions in order that men and women alike may fully enjoy the civil and political rights as included in the Covenant. The guarantee of these rights can be found in the Constitution.

98. Article 8, paragraph 2 of the current Constitution prohibits discrimination based on sex. In 1984 the legal incapacity of a married woman was lifted. Since 1984 a married woman has been legally competent within the Surinamese judicial system. The State of Suriname is party to the "Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)". In 2001 Suriname submitted its initial and second report on the period 1993-1998 to the CEDAW committee.

99. On 8 March 2002 Suriname acceded to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (the Convention of Belem do Para), herewith indicating its commitment to comply with the international norms to safeguard the rights of women.

100. Article 27, paragraph 1 of the Constitution states that the State is obliged to safeguard the right to work as much as possible by seeing to it that equal chances are given in one's choice of profession and type of work. At the same time it prohibits hindrance in the performance of one's work or profession on the ground of one's sex. Article 35, paragraph 1 of the Constitution guarantees the protection of the family. Paragraph 2 provides that man and woman are equal before the law. Article 45 of the Constitution stipulates that the social order in principle rests

upon a society where all Surinamese people have the same rights and obligations. In article 35, paragraph 3 of the Constitution it is laid down that every child has the right to protection without any form of discrimination.

101. Article 37, paragraph 1 of the Constitution states that youngsters have special protection in their enjoyment of economic, social and cultural rights, including:

- Access to education, culture and employment;
- Vocational training;
- Physical training, sport and leisure time.

Paragraph 2 of article 37 states that the most important objective of the policy is the development of the personality of the young individual as well as the sense of servitude to the community.

102. The Department of Social Affairs and Housing deals among others with Child's matters. In this respect this department has a close cooperation with several NGOs in the community as well with international organizations. For example, the Convention regarding the Rights of The Child has been published several times to increase the awareness of the rights in this Convention among citizens. (See annex 11: The Convention regarding the Rights of the Child).

Gender equality

103. The Department of Internal Affairs is in charge of the General Gender Policy of the Republic of Suriname. The Department has a special Gender Unit working in close relation with several NGOs, international organizations and institutions on gender related issues.

104. In this respect, the Department of Internal Affairs issued a Gender Policy Report for the coming five years. The purpose is to work in close cooperation with several local NGOs and international organization that are active in the field of promoting women's rights.

105. Nowadays more women in Suriname actively participate in politics. For example, since 1996 the vice-chairperson of the National Assembly has been a woman. In addition, ten members of the current parliament are women. There are two female ministers and one female Deputy-minister. Five of the 16 ministries have a female director. In several government offices and large companies women have an executive position. (See annex 12: Women in Senior Staff positions I.)

106. In the economic sphere we see more and more women with executive positions in companies. In this sphere management courses for women and exhibitions for female entrepreneurs are organized.

107. There are many women organizations who are devoted to improving the position of the Surinamese woman in all respects: politically, economically, socially, etc. The National Women Movement (NVB) and the Women Parliament Forum (VPF) are just two of the many organizations active in this field. (See annex 13: Women in Senior Staff positions II).

108. An increase in the “awareness” concerning women rights was noticeable in the pre-stage to the last general elections (25 May 2000). Various political parties placed more than one female candidate on their list of candidates for the National Assembly. Some parties also put a woman at the head of the list of candidates in the districts. One party included in its by-laws that one third of the candidates must be female.

109. The minister of Internal Affairs - one of the two female ministers in the Venetiaan II Administration - established a special governmental “**Committee Legislation regarding the Abuse against Woman**”. This Committee is now busy making an inventory of the national legislation in order to identify all the statutory regulations that are discriminatory to women, with the intention to eliminate these regulations.

110. Suriname is a great advocate of equality for men and women. In view of this the only criteria should be: who is best qualified to fulfil a particular position. If it appears to be a woman, she will be proposed for appointment and if it appears to be a man, he will be proposed.

111. The Surinamese Constitution prohibits discrimination based on sex in article 8 paragraph 2, which reads: “No one shall be discriminated against on the ground of his birth, **sex**, race, language, religion, origin, education, political beliefs, economic position or social circumstances or any other status.” This article is in complete conformity with article 3 and article 26 of the ICCPR.

112. To increase the awareness of the rights of women among the population, NGOs and governmental institutions regularly publish articles regarding the rights of women. (See annex 14: Publication: “Het Vrouwenverdrag” published by the NGO NVB).

Article 4. ICCPR

113. Article 23 of the Constitution states that in case of war, threat of war, martial law or another state of national emergency or for reasons of national security, public order and decency, the rights mentioned in the Constitution can by law be subjected to the restrictions which will be in force during a certain period, depending on the situation, with due observance of the prevailing relevant international provisions.

114. Article 102, paragraph 3 of the Constitution stipulates that in order to maintain internal or external security, in case of war or threat of war or in case of serious threat or disturbance of the internal order or peace, which may seriously harm the interests of the State, the President can proclaim the state of emergency in any part of Suriname after having obtained permission from the National Assembly.

115. Article 102, paragraph 4 of the Constitution stipulates that the President shall not declare the state of emergency terminated, than after prior permission of the National Assembly. This permission is not required when consultation with the National Assembly appeared to be impossible due to circumstances beyond control.

116. The last sentence of article 23 explicitly states that regardless of the situation in the country, the international provisions prevailing in such matters must be observed.

117. This includes the rights as laid down in the articles 6, 7 and 8 in the paragraphs 1 and 2, 11, 15, 16 and 18 of the ICCPR.

118. During the military government (1980-1987) the state of emergency was declared several times (1980, 1982 and 1986). The military declared a state of emergency because of possible threats of military counter coup d'états and the internal disturbances in the interior of the State. In 1987 the Government of Suriname lifted the state of emergency and duly informed the Secretary-General of the United Nations in accordance with the rules of the ICCPR.

119. The military enacted several decrees curtailing the democracy of the just recently established Republic. Some of these measures were:

- suspension of the Constitution
- dissolution of the Parliament
- dissolution of the Government
- the Advisory Council was ruled out
- the constitutional procedure to establish Acts was altered.

Instead a decree-system was introduced by the military rulers.

Article 5. ICCPR

120. Considering the aim and the tenor of the provisions in the Constitution regarding the rights of individuals, it is clear that the Constitution is in conformity with this article of the ICCPR. It is not possible to point out an article in the Constitution that contains all the facets as included in article 5 ICCPR, in contrast to the first Constitution of the Republic, which was suspended by the military regime when they assumed power.

121. **Article 19 of the Constitution 1975 read:** “Non of the provisions of the section may be interpreted as giving persons or groups, even if they are thereby exercising a public function, the right to perform any activity or action that is aimed at abolishing the rights and liberties granted in the Constitution or at restricting these rights and liberties more than is provided in the Constitution”. This provision was not included in the Constitution of 1987, so that now there is a gap in the current Constitution. Article 19 was in complete conformity with article 5 of the ICCPR.

Article 6. ICCPR

122. The Constitution of Suriname guarantees the right to life in article 14. In Suriname capital punishment is included in the Penal Code. This sentence can be imposed for the most serious offences i.c. aggravated murder (art. 348 Sr.), premeditated murder (art. 349 Sr.) and treason (art. 130 Sv).

123. In spite of the fact that capital punishment is still part of the penal system of Suriname, the last time this penalty was executed dates back to 1927. Although the current Government is

not unwilling towards the abolition of the death penalty and even has an open ear for the arguments of abolitionists, it is of the opinion that a broad discussion about this matter will have to be held first within the society before a standpoint concerning the abolition of the death penalty can be taken. In this respect, the current Government also has an open ear for the advocates of the death penalty, who can be found in all classes of the society.

124. The issue of capital punishment is often discussed among the members of the National Assemble as well in the community and the views are different.

125. The criminal legislation of Suriname does not contravene the provisions of the ICCPR, as the death penalty is only imposed for the most serious crimes committed.

126. Article 109 of the Constitution prescribes that the President has the right to grant a remission of sentence to persons who were convicted. Even persons who were condemned to death can qualify for a remission, which is in conformity with the provisions in article 6, paragraph 4 of the ICCPR.

127. In December 1982 fifteen people were shot to death during the military regime. On 5 July 1983 a few of the surviving relatives of the victims lodged a complaint with the United Nations Human Rights Committee, against the Republic of Suriname.

128. On 4 April 1985 a resolution was issued by the Human Rights Committee. The Committee concluded among other things that the victims were killed arbitrarily, in contravention with article 6 of the ICCPR. The Committee also made an appeal to the State to:

1. to investigate the human rights violations that were committed;
2. to prosecute those responsible and bring them to trial;
3. to pay compensation to the surviving relatives;
4. to ensure that the right to life is protected in Suriname.

(See annex 15: Communication UNHRC 146/1983 and 148 to 154/1983 John K. Baboeram et al. v. Suriname.)

129. In 1983 the Attorney-General started an investigation in this matter. The Military Police and a special unit of the Police Force were charged with the investigation. The investigation officers took depositions from several witnesses and suspects. However in late 1983, the military authorities instructed the Office of the Attorney-General to place the investigation on hold. One copy of the complete dossier in this case was placed in the safe of a local bank institution. The other three copies of the case disappeared. When the Attorney-General re-opened the investigation in 2000, the copy in the Bank was used to continue the investigation in this case. One must keep in mind that the military were de facto in power in Suriname till almost 1990.

130. In 2000 the Public Prosecutions Department of Suriname resumed the investigation of this case after the High Court had given the order, at the request of the next of kin in Suriname. Within this framework several people were interrogated. An examining magistrate appointed in this case heard witnesses in Suriname and Holland. Meanwhile the bodies of the victims were exhumed by court order, in order to do the necessary forensic research.

131. The Dutch authorities willingly rendered technical assistance in the investigation. The American authorities promised the Government the necessary assistance should they be asked. The investigation of this case is ongoing.

132. During the internal armed conflict an unknown number of people were killed. Civilians as well as soldiers were killed. It is clear that during the military regime the enjoyment of human rights in Suriname was seriously at issue.

133. The two Country reports on Suriname (1983 and 1985) and the several resolutions adopted by the Inter-American Commission on Human Rights are a clear indication of the bad human rights situation in the State. After Suriname acceded to the American Convention on Human Rights and accepted the contentious jurisdiction of the Inter-American Court of Human Rights (12 November 1987), the route of the cases against the State changed.

134. In this period cases were brought before the Inter-American Court of Human Rights through the intervention of human rights organizations and the Inter-American Commission on Human Rights. The cases in question were: the Aloeboetoe et al. case (Tjonggalanga Pasi) and the Ashok Gangaram Panday case.

135. Besides these cases several other were brought before the Inter-American Commission on Human Rights. The Commission has made mention of this in various reports.

136. Just like all other post-military governments, the current Government of the Republic of Suriname has to deal with flagrant human rights violations committed by the past authoritarian-military-regime.

137. At present a few cases against Suriname are pending in the Inter-American Human Rights System. The Stefano Ajintoena et al. case (previously the case of Maroon Village Moiwana) is pending before the Inter-American Court of Human Rights and the Case of Twelve Saramaca Lo's (Communities) is pending before the Inter-American Commission on Human Rights.

138. This Venetiaan II Administration has stated several times that safeguarding the human rights of its citizens is one of its main objectives. In this respect this Government has the intention to investigate human rights violations that occurred during the military regime and investigate all complaints of human rights violations that are brought officially to the competent authorities.

139. The State of Suriname has observed the decision of the Court in both the Aloeboetoe et al. case and the Gangaram Panday case. A few specific provisions ordered by the Court could not be implemented since they were practically impossible to carry out. For instance, it appeared to be a problem to find qualified teachers who were willing to teach in the school that the State rebuilt pursuant to the decision of the Court.

140. For supplemental information See annex 16: Suriname and the Inter-American Human Rights System.

141. The State of Suriname does not have political prisoners. The system of release on bail, which is inherent to Common Law judicial systems, is unknown in Suriname, where there is a civil law judicial system. Neither does Suriname favour this system (release on bail), since it promotes class justice. After all, those who are not in a position to pay the bail, are in a more disadvantaged position than those who have this financial possibility.

142. Article 14 of the Constitution of Suriname guarantees that every one has the right to life. Surinamese legislation complies with the provisions of article 6 ICCPR.

143. Article 56, paragraph 1 of the Penal Code stipulates that a child shall not be prosecuted for an offence it has committed before it has reached the age of 10 years. If the offender is a minor in the age category 11 till 16 years, he or she will be tried in accordance with juvenile law.

144. Article 58, paragraph 1 of the Penal Code stipulates that with regard to minors who have reached the age of 16 years but not the age of 18 years, the judge may try the offender in accordance with juvenile law or in accordance with adult criminal law. This depends on the gravity of the offence and the personality of the perpetrator.

145. Article 59, paragraph 2, provides that in the case of a crime that is punishable by death or life imprisonment committed by someone who falls in this category, a sentence of not more than 15 years may be given. According to article 499a of the Code of Criminal Procedure, the death sentence cannot be carried out on pregnant women. This provision is in complete conformity with the provisions in article 6, paragraph 5 ICCPR.

Article 7. ICCPR

146. The rights as included in this article are guaranteed in the Constitution as well as in other statutory regulations. Article 9, paragraph 1 provides that everyone has the right to physical, psychological and moral integrity. Article 9 paragraph 2 of the Constitution provides: "No one shall be subjected to torture, humiliating or inhumane treatment."

A further elaboration of the rights guaranteed in this article of the ICCPR can be found in Penal Code

147. The crime mistreatment is punishable in article 360 Sr. Mistreatment with premeditation is made punishable in article 361 Sr. and grievous mistreatment (torture) is punishable under article 362 Sr.

148. As explained in article 6, there were a few situations in the period 1980-1990 where it can be said that the provisions in article 7 of the Covenant were contravened. It is not clear to what extent one can speak of torture in the sense of article 7, since there are no registered cases.

149. A governmental Commission issued a report after investigating the possibilities to start an investigation into the human rights violations that occur during the military regime. (See annex 17: Covim Report dated 9 July 1999).

150. The process of democratization started in 1987, but was abruptly interrupted in 1990. However, thanks to the indefatigable efforts of large parts of the population, the process of democratization was resumed in 1991 and is being continued now by the current government (Venetiaan II), in spite of the many obstacles. The Government of Suriname is of the opinion that these and other rights of individuals on Surinamese territory should be respected at all times.

151. See State of the Union with annexes dated 1 October 2002 for the fiscal year 2003 in the Republic of Suriname. (See annex 18: State of the Union by the President of the Republic of Suriname). It may be stated that no medical or scientific experiments were carried out on individuals against their will, neither in the period 1980-1990 nor in the current period.

152. Article 16, paragraph 3 of the Constitution prescribes: "Every one who has been deprived of his freedom has the right to a treatment that is in conformity with human dignity." The Government has received reports of human rights organizations, including Moiwana 86, stating that the conditions in the police prisons in particular are degrading. These human rights organizations stated that the conditions in the prisons are such that it can be stated that this may be a matter of a violation of article 7 of the ICCPR. The Government acknowledges that due to a sudden increase in the crime rate in Suriname, she was faced with a practical problem, namely housing the many detainees. Despite the serious lack of financial means the State has tried to anticipate the situation in order to avoid putting too many detainees in one cell.

153. Among other things we can mention that the Public Prosecutions Department has adapted its custody policy with regard to petty crimes. A new policy was introduced pertaining to early release, etc. In this way the Public Prosecutions Department tried to respond to the situation, without deviating from its primary duty of prosecution.

154. Although the Judiciary is an independent power within the structure of the State, it may be mentioned here that judicial authorities have more than once complied with requests for early release, in view of the conditions in the prisons. In order to deal with this matter in a structural way, the Minister of Justice and Police has recently, in March 2003, installed a committee that is to make a thorough investigation of the conditions in the prisons and detention centres across the country. This Committee, in which persons of the Public Prosecutions Department (prosecuting officers), prison officers, police officers and civil servants of the Ministry of Justice and Police have a seat, is soon to give advice to the Government in this matter. (See annex 19: Newspaper article regarding the formation of the Committee for Investigation and Advice on Jails and Detention Centres).

155. In Suriname there are no known cases of persons being deported and sent to a country where they could be subjected to torture. Suriname has signed bilateral agreements with several countries concerning the extradition of crime suspects. The contents of these agreements are in

complete conformity with the moral values that are internationally observed in this respect. International law resists extradition c.q. deportation or whatever term is used of persons who might be persecuted in the country to which they are sent. Suriname strictly adheres to the above.

Article 8. ICCPR

156. Article 15 of the Constitution forbids forced labour or obligated labour. In addition, other laws deal with this matter in particular. Article 2, paragraph 2 of the Civil Code emphatically forbids slavery and all personnel servitudes. Article 334 of the Criminal Code designates the slave trade as punishable. The sanction: 12 years' imprisonment is an indication how serious this crime is considered.

157. In addition, mention must be made of the fact that the Republic of Suriname has ratified the ILO Conventions C-29 concerning forced Labour and C-105 concerning the abolition of forced labour.

158. Even though work implemented by military services do not satisfy the term of "forced or compulsory labour" as described in article 8 sub 3 (c) (ii) ICCPR, the State no longer has compulsory military service. This has been abolished in 1992 by the then newly elected democratic Government.

159. It is noted by the Government that a few NGOs working in Suriname in the field of women's rights have complained that they have information that women working in the sex industry in Suriname are held in servitude and/or are required to perform compulsory work in sex shops.

160. Several investigations carried out by the special unit of the Police Force of the Ministry of Police and Justice, did not indicate that in a systematic and structural way individuals are forced to perform work they don't want to. The Government discovered that no official complaints were made after their investigation and after their request to do so to alleged victims. The Government realizes that alleged victims might be afraid to speak up or give detailed information, since they don't know what might happen to them. The State will start shortly with a wide spread information campaign in several languages to inform individuals of their rights in the Constitution, other laws and in the ICCPR. Possible financial assistance from States, organizations and institutions outside Suriname, is highly appreciated in this regard.

Article 9. ICCPR

161. Article 16, paragraph 1 of the Constitution provides that every one has the right to personal freedom and security. Paragraph 2 stipulates that no one shall be deprived of his freedom, than on the grounds and according to procedures laid down in the law. The provision in article 16, paragraph 1 of the Constitution mentioned above is in complete conformity with the provisions of article 9 of the ICCPR.

162. Article 1 of the Criminal Code and article 1 of the Code of Criminal Procedures explicitly safeguard the right of an individual that he can only be deprived of his liberty on grounds and in accordance with such procedures established by law. The Criminal Code

enumerates the grounds for which an individual can be deprived of his liberty and the Code of Criminal Procedures states the procedures accordance to which someone can be deprived of his liberty.

163. With regard to paragraphs 2, 3 and 4 of article 9 ICCPR, the Code of Criminal procedures states the following.

164. Article 53 of the Code of Criminal Procedures states among other things: If a person is brought up for questioning, a decision must be made within six hours whether he will be released or not. Between 22.00 p.m. and 07.00 a.m. an individual may not be interrogated. Within the time of six hours the authorities, in particular the prosecuting officer or the Assistant Public Prosecutor must decide whether there are grounds to have a person who is suspected of having committed an offence where pre-trial detention is permitted, remain at the disposal of the judicial authorities. If there are grounds, the suspect will be taken into police custody. Already in this stage of the criminal proceedings, the suspect has the right to be represented by a lawyer.

165. Pursuant to article 48, paragraph 1 a suspect may be further detained by a warrant for police custody. Article 49, paragraph 1 of the Code of Criminal Procedure provides that the warrant for police custody is only given when it concerns an offence where pre-trial detention is permitted. Paragraph 2 of this article provides that this warrant is in force for a period of not more than 14 days.

166. Article 50, paragraph 1, stipulates that in urgent necessity the prosecuting officer may extend the police custody by a period of not more than 30 days. In this case, too, the suspect may be represented by a lawyer.

167. Pursuant to article 16, paragraph 1 of the Code of Criminal Procedures a suspect has the right to be represented by his lawyer in all interrogations.

168. Paragraph 2 provides that a committed witness shall have the opportunity to contact his lawyer in order that he assists him as counsel during the interrogations.

169. Experience shows that suspects in highly complicated case have to serve the whole period of police custody of 14 and 30 days respectively, as stipulated by law, before the prosecuting officer is able to bring the case before a judicial authority. This is due to much pressure of work. The policy of the Office of the Attorney-General is that all other cases (not complicated) are investigated and prepared for hearing in court within the stipulated period. The judicial authorities will have to meet and discuss what can be done in order to limit the period of detention of individuals (even in the highly complicated cases) to a minimum.

170. Pursuant to article 12 of the Constitution every individual has the right to be represented in legal proceedings. Those who cannot afford a lawyer, may rely on a counsel assigned to them by the Government. Paragraph 2 of this article states that by law further rules shall be given concerning the provision of legal aid to the financially weak. By Act of 20 December, SB 1978 No. 69, and Act of 25 May 1984, SB 1984 No. 35, further rules on this subject were promulgated. (See annex 9: Laws and Regulations regarding Legal Aid Assistance).

171. Until recently, because of the lengthy bureaucratic procedures and the low payment of the Government to the assigned lawyers, the financially weak could not or could not adequately make use of this legal aid. More than once, this issue was brought to the attention of the authorities and the procedures to be followed to qualify for legal aid were accelerated. The payment to the lawyers was also adjusted. The State has stated more than once that, seeing the high fees paid within the legal profession, she should not be considered capable, c.q. that it should not be expected of her that she can equal these fees. The Government is of the opinion, however, that a reasonable payment for the services rendered to the financially weak should be given, hence the adjustments that were introduced. (See annex 9: Laws and Regulations regarding Legal Aid Assistance).

172. If during a session of the criminal court, it becomes clear that the accused has no attorney and that the State did not provide for one, the judge handling the case will immediately appoint an attorney on behalf of the accused. This is a standard practice of the Judiciary that is aware of the long bureaucratic procedure before an attorney is appointed to an accused.

173. According to article 48, paragraph 1 of the Code of Criminal Procedure a suspect can only be detained to remain available to the judicial authorities in the interest of the investigation. So, if there is no such ground (in the interest of the investigation), further detention should not be possible.

174. According to article 50, paragraph 1 the police custody can be extended by 30 days by the Public Prosecutor but only in case of urgent necessity. This can happen only once.

175. Pursuant to article 50, paragraph 1, the Examining Magistrate can give an order for remand in custody on demand of the Public Prosecutor. Pursuant to article 57, paragraph 1, the order for remand in custody is in force for 30 days at the most. Paragraph 2 of this article stipulates that the Examining Magistrate, by order of the Public Prosecutor can extend the order for remand in custody three times, each time by 30 days, on the same grounds and cases as stated in article 56, paragraph 1. Article 60 (a), paragraph 1 of the Code of Criminal Procedure states that under no circumstance a suspect may be detained for more than 120 days for the hearing of his case in court.

176. An exception to this is article 60 (a), paragraph 2. This paragraph provides that the Examining Magistrate may twice extend the 120 days, 30 days at a time, if a preliminary inquiry is ordered and the finalization cannot take place within the stipulated statutory period of 120 days due to special circumstances.

177. Article 54 (a) of the Code of Criminal Procedure offers every suspect of an offence who is in police custody the opportunity to apply to the Examining Magistrate to be released. Within 24 hours after receipt of the petition, the Examining Magistrate shall decide if the police custody of the suspect is lawful. If the deprivation of liberty is considered unlawful by the examining magistrate, he shall order the immediate release of the suspect.

178. The criminal legislation of Suriname offers the possibility that it can take as long as 44 days before a suspect is brought before an authority charged with the administration of justice pertaining to the offence committed. This is the maximum period. The Public Prosecutions Department strives to complete the administrative work of a case much earlier, so

that it can be presented for hearing in court. The application of article 54 (a) of the Code of Criminal Procedure offers the suspect the possibility to have a judicial authority decide on his case, in particular on the lawfulness of the deprivation of liberty, in 24 hours after he has been taken into police custody.

179. Judicial practice shows that attorneys frequently apply article 54 (a) of the Code of Criminal Procedure to effect the release of their clients. In many cases one can even speak of an improper use of the article. If the unlawfulness of the deprivation of liberty can be proven before the Examining Magistrate, it will irrevocably result in the immediate release of the suspect, regardless of the offence committed.

180. One must be aware of the high profile cases where the Examining Magistrate, after a petition to that end, pursuant to article 54 (a) of the Code of Criminal Procedure, released suspects because of observed unlawfulness in the deprivation of liberty. Although this release by the Examining Magistrate does not deprive the prosecution of the possibility to continue the proceedings against the suspect, in most cases this does not happen. Within this framework one is working on the creation of a structure between the Public Prosecutions Department and the Office of the Examining Magistrates, with due observance of all statutory regulations, in order to guard against the misuse of this article.

Article 10. ICCPR

181. Article 9 of the Constitution is in complete conformity with the first paragraph of this article. The provision in articles 10, 11 and 12 of the Constitution guarantee a few basic rights of the individual, also the individual who has been deprived of his freedom.

182. Article 10 guarantees that everyone has a right to an honest and public hearing of his case within a reasonable period of time by an independent and impartial judge. As mentioned before in this report the Government is aware that the pace of the proceedings should be increased, in particular the criminal proceedings, so that cases can be brought before the court faster.

183. The treatment of individuals deprived of their liberty, is governed by the Imprisonment Legislation, which sets among others guidelines for the treatment of prisoners. By law, persons in Suriname who are merely being held under suspicion of committing a offense, may not as a general rule be housed in the same institution with persons who have already been sentenced. Based on the Code of Criminal Procedures, provisions have been established governing the treatment of persons detained en remand and the rights they enjoy before their trial.

184. Article 12 of the Imprisonment Act explicitly forbids the housing of sentenced juveniles with other prisoners.

185. Turning to section 2 (b) of article 10, ICCPR: Minors in the two categories: 10 and 16 years and 16 and 18 years, who are detained as suspects are transferred to a separate department, the Juvenile Police. They stay there until they are released by order of the Public Prosecutor or until they have to appear before the judge. After sentencing, the minors not older than 18 years, who are tried in accordance with juvenile law, are transported to a juvenile offender's institution, where in principle they can be detained until their 21st birthday. However, in practice this seldom happens.

186. Convicted minors (age: between 16 and 18 years) who were tried in accordance with the adult criminal law (civil majority is 21 years) are transported to the institution for male juvenile offenders, called: J.O.G. However, this correctional centre for juveniles is situated within the penitentiary of Santa Boma because of a lack of the necessary facilities.

187. The authorities do not consider the housing of the correctional centre for juvenile offenders within the walls of the Santa Boma penitentiary an ideal situation. It is important to note that all the facilities used by the juveniles are completely separated from the facilities used by the "normal population" of Santa Boma. The correctional institution aims at the rehabilitation of the derailed boys. Social workers have resumed their services after a period of absence. They conduct classes so that the juveniles do not drop too far behind.

188. Another consequence of the bad economic situation of the country is that the juvenile prison does not meet all the requirements. These matters have the attention of the authorities. With regard to the prisons at the various police stations, it may be said that these are also in need of improvement, certainly in need of repair. As stated earlier in this report the Ministry of Justice and Police is busy making the necessary inventories to adapt its policy in this respect. The minister has installed a special committee to advise him in this matter: a committee regarding investigation and advice on jails and detention centres.

189. According to the prevailing legislative products, the penitentiary system of the prisons in Suriname aims at the treatment of the prisoners in such a way that they are prepared to return to society and make a positive/constructive contribution. The various workshops for welding, woodworking, painting, mounting, tailoring etc. aim at teaching a trade to the prisoners who qualify, in order to further their return to society. The prisoner also receives payment for work or services rendered, part of which is saved and given to him when he is released.

190. This system is based in the re-education of the prisoners. By means of training courses an effort is made to provide the prisoners with professional skills during their imprisonment.

191. The Government must see to an adequate administration of the savings that are held for the prisoners by the heads of the correctional institutions. In the past it sometimes happened that savings could not immediately be paid out to the prisoners who were released, due to administrative obstacles.

Article 11. ICCPR

192. In Suriname a person cannot be imprisoned merely because he is unable to meet a contractual obligation. This principle is strictly enforced by the courts. In civil matters one party frequently try to convince police authorities to detain the other party that failed to live up to their part of the agreement. The police authorities refer the respective party in those cases to the civil courts.

193. The Articles 465, 466 and 467 of the Code of Civil Procedures refer to committal for failure to comply with a judicial order. This phenomenon implies that the judge may commit a debtor who does not voluntarily comply with a judicial order as a coercive measure. The debtor will be imprisoned at the request and expense of the creditor (who has to disburse the expenses). Articles 465, 466 and 467 can be enforced after a judicial order.

Article 12. ICCPR

194. The national legislation of the State is in conformity with the provisions of article 12, ICCPR. Article 3, paragraph 2 of the Constitution expressly recognizes the rights of Surinamese nationals to freely move about in Suriname and to choose their place of residence.

195. Although article 3, paragraph 2 of the Constitution refers to nationals of Suriname, in practice no distinction is made in Suriname between nationals and other individuals lawfully residing in Suriname. The individual's freedom to leave the country is among the personal freedoms recognized by the Constitution of Suriname.

196. The Constitution acknowledges in article 16, paragraph 1 that every one has the right to personal freedom and safety. This personal freedom is broadly interpreted and also includes the freedom of aliens to leave the country. Article 3, paragraph 6 of the Constitution stipulates that admission and deportation of aliens is regulated by law. This took place by Decree C-75 dated June 10, 1983 implementing new rules regarding extradition and other forms of international legal cooperation in criminal cases (SB 1983, No. 52).

197. With regard to the extradition of aliens, Suriname entered into various bilateral agreements with other States and extradition takes place by virtue of the prevailing statutory regulations on this subject.

198. In full compliance with general legal principles, however, anyone who is suspected of committing a punishable act may be deprived of the freedom to leave the country while the investigation is being conducted. This applies as well if a judgment rendered against him must be executed.

199. Also in accordance with general legal principles, by law the Government of Suriname has the right to levy and collect taxes, and it may deprive a person of his freedom to leave the country if he refuses to pay his taxes or at least give guaranty of payment.

200. Article 3, paragraph 3 of the Constitution states that every national of Suriname has the right to be permitted into the country and not to be expelled.

201. Due to practical reasons from the administrative point of view it is necessary that every person observes the statutory regulations prevailing in this respect when changing address:

(a) Every one who moves from one district to another shall register this by means of a change of address certificate taken from the registry office of the previous district and submitted to the registry office of the new district.

(b) Only when there are elections in Suriname, one discovers that people have moved to another district without the proper (de)registration. When people need a document from the registry office of the district that they have moved to, it often appears then that they are not registered in the new district so that they do not appear in the register. In this respect it should be noted that in May 2003 the State carried out a census after nearly 22 years, the 6th national census. The data are still being processed by the General Statistical Office of Suriname. When the counting is completed the results will be available for the public.

Article 13. ICCPR

202. Pursuant to article 3, paragraph 7 of the Constitution, the expulsion of foreigners must be governed by law. The law in question is the Surinamese Admittance Decision Act of 1938. Articles 23-25 of this Act set forth the grounds on which the expulsion of a foreigner must be based.

203. In this respect reference is made to the Aliens Act 1991 (SB 1992 No. 3). According to the Aliens Act 1991 the alien who is not permitted to stay (any longer) in Suriname, pursuant to one of the provisions of articles 6, 9 and 10, shall be deported, pursuant to the provision in article 24, paragraph 1. The deportation is regulated in the articles 22-28 of the Aliens Act. The articles 29, 32 and 38 of chapter V, Legal Remedies of this Act also pertain to the procedures concerning the deportation. Prior to the actual deportation as described above, there should be an order for deportation. The legislator states that this order can consist of a deportation order and/or a decision to deport. Article 25, paragraph 1 of the Aliens Act for example speaks of a deportation order.

204. In the explanatory memorandum to the Act it is emphasized that the deportation order primarily has a guarantee function. Pursuant to this Act the deportation of an alien will generally require an order from the competent authority in the matter. Herein lies the guarantee for the alien, for before a deportation order is executed, the following should be ascertained:

- (a) Whether the residence of the alien in this country is really not or no longer permitted;
- (b) Whether the competent authority isn't still considering the continued residence of the alien;
- (c) If no petition for reconsideration is pending;
- (d) If the alien should not be granted a period within which he can leave the country on his own;
- (e) If the deportation should not be effected pursuant to the provision of article 27 of this Act.

205. The Aliens Act of 1991 is extensively observed in the implementation of the aliens policy. However, the official promulgation of this Act must still take place. The State is studying it more closely in order to determine whether an adaptation is necessary now.

Article 14. ICCPR

206. The equality of all persons in the administration of justice, can be deduced from article 8 of the Constitution, which recognizes the equality of all persons. Jurisdiction over all civil-cases and the setting of penalties is reserved, pursuant to the provisions of the Constitution to the independent judiciary. The applicable law of Suriname provides for public trials. In the interest of public order and morals the judge may deviate from this requirement for official reasons or at the request of the public prosecutor or the accused. By law, however, judgment must be pronounced in a public session.

207. Suriname's penal system includes the principle that no one be sentenced unless, lawful and convincing evidence is given against him in a public trial, that he committed the act. Article 325 of the Code of Criminal Procedures imitatively specifies how convincing evidence must be submitted.

208. (a) According to law (article 246, paragraph 1, Code of Criminal Procedure), a period of at least four days must intervene between the date on which the summons is served upon the accused and the date of the trial, during which period the defendant can prepare his defence with his counsel;

(b) Concerning this requirement, reference can be made to the remarks made on this subject in previous paragraphs of this report;

(c) The requirement that he be summoned to appear before the judge on a specific day, guarantees the defendant that he will be present when he is judged. As already mentioned in connection with article 9 of the ICCPR, any accused individual has the right to choose his attorney, and he must be informed of this right immediately after his arrest. If he is unable to pay his own attorney, one will be assigned to him at Governments' expense. See the previous paragraphs in which this issue is discussed in detail;

(d) The accused has the right to have witnesses brought to trial. Pursuant to article 274 of the Code of Criminal Procedures, he has the right to personally examine the witnesses;

(e) Pursuant to articles 178 and 291 of the Code Criminal Procedure, an interpreter must be appointed for the accused and witnesses if they do not speak Dutch, the official language of Suriname and the language used in the Courts of the State;

(f) As stated in article 21, paragraph 2 of the Code of Criminal Procedure, prior to the interrogation the accused must be informed that he is not obliged to answer the questions put to him.

209. The prosecution of juveniles takes place in accordance with the laws and regulations of the State. Those laws and regulations are aimed at the promotion of the rehabilitation of the juveniles. As stated in this report, the age of the youngsters is also an important factor in the proceedings.

210. The Public Prosecution Office has two prosecutors in charge of cases involving children. The main objective of the Public Prosecution Office is the best interest of the child. In this respect the "Child Prosecutor" is in constant contact with several organizations, institutions and individuals that are involved in the rights of children.

211. According to the penal legislation of Suriname, an accused sentenced by the court of first instance has the right to appeal the decision of the court to the High Court of Justice of Suriname (See article 368 of the Code of Criminal Procedure). The prosecution of individuals who are charged with or were in charge of a high political office in the State, take place, pursuant to the Constitution and other specific laws and regulations, before the High Court of Justice of Suriname.

212. The penal legislation of the State is in conformity with this paragraph of article 14 of the ICCPR. If a miscarriage of justice has taken place the person who suffered punishment as a result of the conviction and imprisonment can file a complaint and request reparations for the damages he suffered. Due to the increasing devaluation of the local currency it is often very difficult to decide on a just compensation for damages that the individual has suffered years before.

213. The principle of *nebis in idem* is the basis for article 94 of the Criminal Code which states the following.

“Except in cases in which judicial decisions are subject to review, no one may be prosecuted a second time for an act concerning which final irrevocable decision has been rendered by a Surinamese judge.”

214. If the judgment emanates from another judge, that person may not be prosecuted for the same act in cases of acquittal or dismissal of prosecution. In case of a judgment followed by full execution of the sentence, pardon by the competent authority or when the statute of limitations has run out, no second prosecution of the individual can take place without violating the principle of *nebis in idem*.

215. In the Surinamese criminal justice system the principle applies that every one who is prosecuted for an offence will be held innocent until proven guilty by law. In article 325 of the Code of Criminal Procedure there is a comprehensive list of the means to produce legal and conclusive evidence of guilt of an individual.

Article 15. ICCPR

216. Article 1 of the Criminal Code is in complete conformity with article 15, paragraph 1 of the ICCPR. Article 1 of the Criminal Code reads as follows:

(a) “No act is punishable unless there already exists a law making it punishable”;

(b) “In the event of change of legislation after the act was committed, the most favourable provisions shall be applied to the accused”.

217. Article 3 of the Code of Criminal Procedure stipulates that the Attorney-General should see to it that the prosecution of offences is done correctly. For this purpose he gives orders to the other members of the Public Prosecutions Department.

Article 16. ICCPR

218. Various articles in the Constitution show the explicit acknowledgement of the individual as a person.

219. The articles 1 - 4 of the Civil Code deal with the enjoyment and loss of civil rights. Article 2 states that every one who is on Suriname’s territory is free and is entitled to the enjoyment of civil rights. Slavery and all other personal bondages of whatever nature or under whatever name are prohibited in Suriname.

220. Article 3 of the Civil Code states that when a woman is expecting a child, this child is regarded as already born as often as this is in the interest of the child.

221. Article 21 of the Civil Code states that the registration of a birth shall be done within three days after the delivery at the local registry office. The registrar will immediately draw up a deed of this registration of birth. In the remote districts the period of registration is until 16 days after delivery and the registration shall also be in writing.

Article 17. ICCPR

222. The fundamental human rights of an individual are safeguarded in the articles 8 till 23 of the Constitution. The right to respect of the individual's private life, family, home, his honour, good name and other rights specified in this article of the ICCPR, are acknowledged in article 17 of the Constitution.

223. No one's place of abode shall be entered than by order of an authority who is authorized by law to give such an order, and with due observance of the law. The secrecy of letters, telephone and telegraph is inviolable except in the cases described by law.

224. By the term "Family" it is generally understood the family *mother, father and children as well as the next of kin. According to article 343 of the Civil Code there is consanguinity in the relation between persons who are descendants of each other or who have a common ancestor. The term "home" means the place of abode of a person, his domicile.

225. The rights as specified in article 17 of the Constitution are guaranteed though the fact that in the Criminal Code, actions that violate these rights are designated punishable offences. For example:

(a) Unlawful entrance of another person's home is made punishable through article 186 of the Criminal Code;

(b) Violation of privacy of correspondence is punishable pursuant to articles 253 and 435 of the Criminal Code;

(c) Articles 320 - 325 designate as punishable actions those that are aimed at attacking the individual's good reputation and honour.

226. Authorities that are competent to authorize interference are authorities within the legal system of the State, such as the police, the Public Prosecution Office and the High Court of Justice.

227. This interference is possible in case there is a criminal investigation against a person or for reasons of national security.

Article 18. ICCPR

228. According to the Constitution, in particular article 18, every one has the right to freedom of religion or beliefs. There is no restriction with regard to the exercising of these rights in Suriname.

229. Article 38 of the Constitution further states that every one has the right to enjoy his culture. In addition, this article states that the State must promote the democratization of culture by stimulating the enjoyment of culture and cultural creations and guarantee citizens the access to these cultural creations by means of cultural and recreational associations, information media, and other suitable channels.

230. In Suriname there are various religions e.g. Islam, Hinduism, Christianity and Jews. Every religious group may exercise its religion freely. There are different places where people can go to worship. There is no restriction for entering places of worship. Neither are there restrictions with regard to the publication of religious subject matter. Programs of the various religions are regularly broadcast by the several TV and radio stations. Since recently there is a radio station that is managed by a religious group. Apart from the radio station there is also an application to set up a Christian TV station.

231. In this respect there is no requirement that the management of the medium should have a particular religious conviction. On the important holidays of the various religions the media give proper attention to the religious celebrations. Looking at the largest religious groups (depending on the number of professors) the main religions are: Islam, Hinduism and Christianity. The Government has officially recognized several religious days as national holidays of the State, hereby indicating its respect for the several religions in Suriname.

232. Neither an administrative nor a legal distinction is made with regard to religion. For offences concerning the hindrance of religious activities, reference is made to the articles 194 and 195 of the Penal Code.

233. Within the framework of the free exercise of their religions by the various ethnic groups the Republic of Suriname is enriched with, it is good to point out the Jewish synagogue and the Mosque of an Islamic group standing next to each other in one of the main streets of Suriname's capital city Paramaribo. (See annex no. 20: Picture Jewish Synagogue and Islamic Mosque in capital city Paramaribo).

Article 19. ICCPR

234. Pursuant to article 19 of the Constitution, every one has the right to make known his thoughts or feelings and express his opinion by means of the printing press or other means of communication, except for responsibility elsewhere according to the law. In general this right of the citizen is not infringed. In Suriname there are several media through which the citizens can express their opinions. This can be by means of letters to the editors of newspapers, discussion programs through radio and TV.

235. In the period of the military regime from 1980 to about 1987 the media were censored. In particular nearly all the media, with the exception of the State media were prohibited and a curfew was imposed. This situation changed in 1987 when a new Constitution was adopted by means of a referendum and free elections by secret ballot were held in Suriname.

236. When the democratic government took power, more media were allowed on the basis of a particular media policy. According to Surinamese standards there is a wide variety of media

enterprises, radio, TV and press. When the current Venetiaan II Administration assumed power in 2000, the right to freedom of expression was given more positive import. (See annex 21: List of media institutions in Suriname).

237. In the State of Suriname the freedom of the press is currently in no way restricted. Within this framework it may be mentioned that Suriname was recently categorized by an international organization of journalists as one of the countries where the freedom of the press is considered very good. (See annex 22: Newspaper article regarding freedom of the press in Suriname).

238. It must be noted that the President of the Republic of Suriname has mentioned on several occasions that one of the corner stones of democracy in a State is an active, independent and impartial Press movement. He applauds all efforts by institutions, NGOs and international organizations that are aimed at achieving this goal. (See annex 23: Newspaper article: President supports views press and journalists in Suriname).

239. Political meetings may be held freely, without restrictions. Broadcasts through the media are uncensored. Foreign journalists have access to information about our country. There is no restriction. Foreign newspapers and magazines are sold in Suriname. These are mostly Dutch and American papers.

240. The Government is of the opinion that a good journalism Training Centre should get the necessary support, since this will no doubt contribute to the enhancement of the quality of the work of media workers and the ethics of the profession.

241. If media institutions violate the provisions of their license, the Department of Transport Communication and Tourism that is in charge of the communication sector in the State, can issue sanctions. The current Government is very lenient in this respect, which is the reason for the free exercise of this right.

242. As recognized by paragraph 3 of this article of the ICCPR, the law can establish restrictions on these freedoms in the interests of public order, morals and health. All measures enacted by the State in this respect are in full compliance with this paragraph of the ICCPR.

243. Just recently (late May 2003), the minister of Justice and Police confiscated all editions of a local daily newspaper (Dagblad Suriname) because a pornographic article was “mistakenly” printed in the paper. The confiscation, conducted in the interests of public order, was highly applauded by the community.

Article 20. ICCPR

244. The articles 175 and 175a of the Criminal Code indicates the following:

(a) Article 175: a person who publicly, orally, in writing or in pictures wilfully insults and denigrates a group of human beings because of their race, their religion or their way of life, shall be punished with maximum imprisonment of one year or a maximum fine of one thousand Surinamese guilders;

(b) Article 175a : a person who publicly, orally or in writing or in pictures, incites to hatred of or discrimination against persons or violent behaviour towards persons or property of persons because of their race, religion or way of life shall be punished with maximum imprisonment of two years or a maximum fine of two thousand Surinamese guilders.

245. Suriname has a multi-racial population with a plurality of religions. Peaceful co-existence of the various ethnic groups is therefore of great importance for tranquillity in the country. The Criminal Code therefore includes provisions making behaviour that could lead to racial and religious hatred a punishable offence. This is codified in abovementioned articles 175 and 175a.

246. There are no specific cases where persons have propagated violent behaviour towards others simply because of race, ethnicity or religion. The ban on hate speech is strictly enforced by the authorities because racial disturbances happening in Guyana and for example Trinidad and Tobago show the necessity of this provision in the best interest of the population of the State.

Articles 21-22. ICCPR

247. The rights specified in the articles 21 and 22 of the ICCPR are recognized in articles 20 and 21 of the Constitution of Suriname.

(a) Article 20 states: "that everyone has the right to freedom of peaceful association and assembly, taking into consideration the rules to be determined by law for the protection of public order, safety, health and morality";

(b) Article 21 states that "the right of peaceful demonstration is recognized".

248. Meaning, no one can be prohibited the public manifestation of their views or opinions through assemblies or peaceful public demonstration. Freedom of public demonstration however is not absolute, there are conditions, and these are that the organizers must be in the possession of a permit given by the authorities. The provision that a permit is needed to implement this right is based on the principle that the rights of others in the community also need to be protected by the State. In practice however, the authorities tend to be very lenient towards demonstrations without a permit.

249. The right to strike is also recognized in article 33 of the Constitution: "the right to strike is recognized subject to the limitations which stem from the law". Also in this case the possibility to restrict this right is recognized based on the necessity to protect the rights of others in the State.

250. Furthermore Suriname has also ratified the ILO Conventions Nos. 87, and 98, which are also incorporated in the national legislation. Because of the unbalanced use or better misuse of the right to strike, the State informed stakeholders in the community that she will strictly enforce the "no work no pay principle". The "no work no pay principle" is a cornerstone of the national

labour and civil laws and is in conformity with all international norms regarding this issue. (See annex No. 24: Presidential Resolution regarding no work no pay principle). By acting as such, the Government in no way restrict the right of groups to make use of article 33 of the Constitution.

251. The exercise of these rights can as article 20 and article 21 paragraph 2 implies, be subjected to restrictions by law in the interest of public order, safety, health and good morals.

Article 23. ICCPR

252. The legal status of the family as the basic unit of society is governed by the Civil Code. Marriages registered in State Registry Offices and church marriages are recognized as valid. During the colonial period the Dutch Government recognized the marriages of the immigrants. This is implied in the Asian Marriage Legislation. This legislation gives rules regarding marriages, procedures, divorcements, etc. according to the Hindu religion and according to the Islam. Currently there is a huge debate among several groups within the community regarding the adoption of a new general Marriage Act, encompasses the current Acts and the Asian Marriage Legislation. Modification of The Asian Marriage Legislation is also under discussion.

253. The issue at hand is difficult since this marriage system was introduced by the colonial power, the Dutch, as part of its “divide and concur” policy in the colony, to keep the different ethnic groups for joining hands against the colonial power. However, giving the immigrants the possibility to proceed with a marriage based on their customs and religion was, highly appreciated by the immigrants. It is therefore not a simple matter for the Government to decide on this issue without a wide discussion. The current Government has plans to let the Marriage Act 1973 enter into force. This act was adopted by the Government in 1973, published in the official gazette, but never entered into force due to the many protests by religious group as to several aspects of the Act. The discussions regarding this matter will continue. In any case currently marriages at the ages of thirteen and fifteen years do not take place any more under the Asian Marriage Act. The average age of the couples that get married under this Act is 20. Citizens of non-Asians descent also have the opportunity to get married under this Act. They will have to satisfy the general requirements to get married under this Act.

254. The law assumes that every family belongs together and should live together. In this case the law recognizes both parents’ joint rights over and responsibilities towards the upbringing of their children.

255. In terms of a family formed by a permanent cohabitation of partners without formal marriage, the Code Civil is not automatically applicable. It is possible however, that partners in a long lasting cohabitation may request certain provisions of the Civil Code to be applied analogously.

256. According to Surinamese Civil Code the established marriageable age is 18 years for men and 17 years for women. Marriages shall be contracted between persons who are not already married. The Civil Code specifies impediments to marriage between persons directly related to each other in the ascending or descending line, between half-brothers and half-sisters

having the same mother or father, between adoptive parent and adopted child, or between persons even one of whom is recognized by court to be irresponsible for reasons of feeble-mindedness or mental illness.

257. Marriages take place two weeks after the submissions of an application to the Registry Office by the persons wishing to marry. This notification of marriage will be made publicly by means of poster on the wall of the Registry Office during ten days which will contain the personal information of the persons.

258. In order for the marriage to take place, article 81 of the Civil Code indicates that the free consent of the intended spouses is necessary to the existence of the marriage. Mutual consent must be given by both persons in the presence of the Civil Registrar and two witnesses.

259. Each of the spouses is obliged to mutual trust help and aid. Questions of upbringing of children and other matters relating to family life shall be settled jointly by the spouses.

260. In case of dissolution of the marriage, the request for divorce shall only be honoured on grounds limitatively mentioned in the Civil Code.

261. A divorced spouse of either sex who is in financial need shall be entitled to maintenance if he or she became incapacitated.

262. With regard to the paramount interest of the children, the father and mother shall have equal rights and obligations also after divorce. When parents live separately because of divorce or for other reasons, the question of which of them should provide a home for their minor children shall be settled by mutual agreement. If the parents fail to agree, the question shall be settled by the court on the basis of the best interest of the children.

263. The parent living separately from the child has the right to see the child and must participate in its upbringing.

Article 24. ICCPR

264. In conformity with article 35, paragraph 3 of the Constitution every child has the right to protection without any form of discrimination. Through the various ministries the Government is providing the care for the well-being of children. The ministries of Education and Public Development, Social Affairs, Justice and Police, Internal Affairs, and of Labour, Technology and Environment, each from its respective discipline, watches over the rights of the child in Suriname. A very important contribution to the improvement of the place of the child in our society is provided by the W.O.P. Department of the ministry of Social Affairs. In cooperation with international organizations like UNDP, IDB and UNICEF various activities are developed to improve the rights of children.

265. The Department of Juvenile Affairs of the ministry of Justice and Police is also doing a good job when it comes to fighting for children who were victims of physical abuse etc. It should be mentioned that many cases cannot be dealt with adequately due to a constant lack of

the necessary financial means. In addition, several NGOs are actively working or developing activities to improve the welfare of children. The activities of such organizations as Child Development Bureau (B.K.O.), the University Institute for Children Rights may be mentioned within this framework.

266. Apart from national actions, the State of Suriname has also become party to international conventions and underscores United Nations initiatives. For instance, in 1993 Suriname became party to the United Nations Convention concerning the Rights of the Child, and is now working on the implementation of this convention in cooperation with UNICEF. In 1990 Suriname also participated in the World Summit on Children.

267. Pursuant to article 21 of the Civil Code, every birth must be registered at the registry office, and the name should also be registered. In the case of legitimate children, illegitimate children acknowledged by the father, these children shall bear the family name of the father. In the case of illegitimate children not acknowledged by the father, these children shall bear the family name of the mother.

268. Pursuant to article 3 of the Nationality and Resident ship Act, Surinamese nationals by birth are:

(a) A legitimate, legitimized or illegitimate child acknowledged by the father, who is a national of Suriname at the time of birth of the child;

(b) A legitimate child of a Surinamese national who died before the child was born;

(c) An illegitimate child that is not acknowledged by the father and whose mother is a national of Suriname at the time of birth of the child;

(d) An illegitimate child that is not acknowledged by the father and that is born in Suriname, unless it appears that it possesses nationality of another country.

269. Majority is reached at the age of 21 years (article 382 Civil Code). If an individual marries before his 21st year, he also attains the status of majority from that moment on.

270. Despite the majority limit of 21 years there are various provisions in the national legislation whereby individuals are granted specific rights at an earlier age. All these rules are in the interest of the child. For instance, pursuant to the Elections Act every individual has the right to vote (article 57 Constitution). Parents are obliged to have their children between 7-12 years receive education under the Compulsory Education Act. In the Labour Law 1963 a distinction is made between children and young persons, in order to establish if the child can be employed, under what conditions, terms and circumstances. The foregoing is important to establish whether one should speak of child work or child labour.

271. Age of criminal responsibility is 10 years. The term juvenile crime in Suriname means: a punishable act or failure to act committed by an individual of 10 years and older, but who has not yet reached the age of 18 years. Young persons not older than 16 years: the law states that they shall not be given prison sentences. The judge will impose a measure, namely placement in a state educational home.

272. Young persons between 16-18 years: can be sentenced as adults pursuant to sentences mentioned in the Penal Code. There is a possibility, though, to combine the sentence with placement in a state educational home.

273. It is to be recommended that the authorities inquire where it is necessary to bring the different ages mentioned in the various statutory regulations in line and also to bring them in line with the ages mentioned in the various international conventions and other instruments.

274. Pursuant to article 16 of article 40 of the Code of Criminal Procedure every minor is assigned counsel. The place of detention of young persons is the police station for juveniles. In practice, young persons are sometimes detained at other police stations. The Juvenile Custodial Department of the ministry of Justice and Police is charged with the social-pedagogical counselling of young persons who have come into contact with the law. Only boys from Paramaribo and its suburbs are housed in the youth prison for boys located at the Gemenelandsweg. Currently 22 boys are housed in this location.

275. Girls who have come into contact with the law are placed as much as possible in homes, where professional counsellors work with them on their resocialization. The place of detention for young girls who came in contact with justice, is the police station at Geysersvlijt. In this accommodation a special unit is reserved for these young girls. If convicted as a juvenile offender the girls are placed the Juvenile detention centre for Girls (J.O.G. Meisjes). However, because of a lack of financial means and the fact that the policy is to resocialize the young girls in special homes, the number of convicted girls is almost zero.

276. Minors are placed in the state judicial institution for juveniles, the so-called "Jeugd Opvoedingsgesticht" (JOG) For a brief period in the past there was a very exceptional situation whereby underaged girls was placed in a prison with adults. Since this is contrary to the provisions of the conventions and other internationally acknowledged norms, standards and customs, a solution for this problem was sought. The youngster was placed in the detention centre at Santa Boma with the convicted women. The State knows that this is in complete violation with the provisions of the ICCPR, and remedied this failure.

277. Since the age of criminal responsibility is 10 years and up, the State has the following policy. If a minor younger than 10 years is involved in a crime, the Office of The Attorney-General, particularly the Officer in charge of Children, works out a plan in close cooperation with the parents, family members and/or individuals that have custody over the minor. With other units of the Department of Justice and Police (e.g. JKB) the Officer will establish some sort of supervision over the minor. The purpose is to re-educate the minor to keep him from returning to the world of crime.

278. If the minor is between 10 and 16 years and he or she committed a very serious crime, the Prosecution Officer (the one that is in charge of Children) will bring the case to Juvenile Court. The Prosecution always requests one or both of the following measures.

- (a) That the minor be kept available for the department of Justice;
- (b) That the minor be placed in the Institution for reformation (JOG).

The judges frequently rely on the evidence presented by the Child prosecutor and decide in the best interest of the child. If the child is in school, he will most likely issue a measure that will give the child the possibility to continue his education.

279. In this respect it must be mentioned that the laws of Suriname are outdated and do not provide for alternative provisions towards juveniles. The NGO: Bureau for Child Development (BKO) has written several reports on this issue requesting the Government to implement alternative sanctions on behalf of the youngsters. The Government will seriously consider these propositions.

280. If the minor is between 16 and 18 years, and he or she committed a very serious crime, the prosecutor will bring the case to the regular court and the prosecution will take place according to general rules that apply to adults. The judge will decide on the sanction and other measures. The general policy of the Office of the Attorney-General is to bring only the cases in which serious crimes are committed (rape, murder, manslaughter, robbery with guns, e.g.) to the Courts.

281. The conditions in the youth prison must be changed. The Government is aware of this necessity and steadily works towards achieving this goal, to house the juvenile offenders in a better accommodation.

282. If the judge decides to place the minor in the Governmental Reform Institution (JOG), he will be transported to this Institution and stay there till his 21st birthday. However, the State must admit that the JOG is currently located within the prison "Santa Boma", which is not considered a healthy situation. Even though the JOG is located in a separate building on the complex of the detention centre Santa Boma, with separate fences, the State has to admit that the situation is far from ideal. Therefore she is also working on this issue and plans are being made to build a special Juvenile detention centre.

283. Girls in the age of 10-16 years, who committed a serious crime, will be detained in the women's unit of the Police station at Geyersvlijt. The reason is a serious lack of suitable accommodation. This issue also has the attention of the Government. Even though the number of minors that are detained with the women is very less, the State knows that she has to find a better solution, in the best interest of the child.

284. If a minor between 16 and 18 years is convicted and sentenced to serve in prison, both the male and female minor will at one point have contact with the regular prison population, since the centres they are detained are on the Santa Boma complex. The Government works steadily to solve this problem. The Government has to take immediate action in this respect. One main issue that needs the attention of the Government is the reform of several laws in the State. Almost all the laws dealing with children date back 20 or 30 years and sometimes even longer. For example there is not a possibility in the current penal legislation to request alternative sanctions. The Foundation for Child Development (BKO) has done research on this matter and has made several proposals regarding this issue to the authorities. The proposals are currently being reviewed by staff members at the department of Justice and Police. Because of

the serious lack of financial means the Government faces difficulties to address these problems right away. The Government will have to find the financial means to adequately address this issue. Possible assistance in this respect from international organizations and/or institutions will be highly welcomed.

Education for children in the interior

285. With regard to the education for children living in the interior the State notes the following. Education in the interior has been neglected in the past years. In view of the enormous spread of villages in sparsely populated area (in 130.000 km² there are no more than 50.000 people), it is extra difficult to make adequate provisions available everywhere. Since many villages lie at quite some distance from one another, pupils have to bridge long distances to be able to attend school. Furthermore, there is lack of adequate housing accommodations for the teachers who are willing to work in the interior despite the difficult conditions such as, the danger of malaria, isolation, extremely high prices for food (due to the attitude of the gold diggers who are prepared to pay the high prices).

286. There is a need for an overtaking manoeuvre through which the arrears of education in the interior can be reduced. Almost 80 per cent of the schools in the interior are school of the denominational organizations, such as the Roman Catholics and the Moravians Brothers. It is worth mentioning that a huge number of school facilities were destroyed during the internal armed conflicts in the late eighties.

287. One of the innovative strategies to address the problems in the interior is the establishment of a so-called "nucleus centre". In collaboration with other Ministries, and particularly the Ministry of Regional Development, a nucleus system will be introduced in which an educational centre will be set up in a geographically determined area so that the surrounding villages can be served from this nucleus village.

288. Both the Government and the NGOs are working on educational projects to improve the education in the interior. The minister of Education and Development just recently established a computer centre to train the teacher that teach in the interior. The next step will be, to bring computer education to the children in the interior. (See annex 25: Newspaper article: Minister of Education officially opens computer centre).

289. The State knows that the education system in the interior needs to be improved in several areas. The Department of Education and Development re-established its Section "Education Interior" and this section is working closely with the labour organizations, the local population and NGOs to improve the education system for our children in the interior. (Annex 26: List of Schools in the Interior).

290. One main issue is the language barrier. Since Dutch is the official language in Suriname, the education is almost completely in this language. So are the books and other materials. However, the children speak their own tribe language when they are at home and within their family environment. The Department of Education has made several studies to revise the curriculum of the education system for the lower grade children in the interior. The purpose is to let them get acquainted with the system and the Dutch language and then continue their

education. It is good to note that in the sixth grade of all primary schools, the children, wherever they are in the State, has to take one uniform exam to determine if they are able to attend secondary education.

291. Despite the fact that the children in the interior face more obstacles than the children elsewhere, there is a growing number of children from the interior that are able to attend higher education in the districts and in Paramaribo. The number of students attending High school and the University is increasing yearly. This is an indication that there is an improvement in this matter. The Government of the Republic of Suriname will continue to work on the improvement of the system. (See annex 27: Statistics regarding maroons and indigenous students that attend higher education at the university).

292. It is also worth mentioning that the number of maroons and indigenous that participate in daily life, and have staff position in the community, is increasing steadily. This is again an indication that the good faith efforts of the Government have results. However, the Government realizes however, that there still is a lot of work to be done in this respect. (See annex 28: Statistics regarding maroons and indigenous with the faculty of the university). In addition, the Department of Education and Development is preparing the introduction of a Basic Life Skills Program in which elements of Healthy Family Life Styles, HIV/AIDS and Human Rights will be incorporated. At present the Ministry is working on two tracks:

(a) A textbook is being developed for the Teacher Training Colleges. The staff of the Ministry and all other relevant stakeholders has already been trained;

(b) A working group has been installed to develop a curriculum for Primary Education on the basis of the experiences; curriculum will be developed in a later stage for the secondary level.

293. The aim of this program is to train young people to function in a democratic multicultural society by teaching and training them to develop knowledge and skills in order to deal as good citizens with phenomena and problems related especially to the themes: managing the environment, emotions and social skills, eating and fitness, human sexuality, and healthier lifestyles and living environment.

Article 25. ICCPR

294. The rights of the citizens to participate in public life, the Government, to vote, etc., is set forth in article 57 of the Constitution which provides as follows: "The members of the National Assembly shall be elected directly by the inhabitants, having the Surinamese nationality, and having reached the age of eighteen years.

295. The only persons debarred from exercising the right to vote are mentioned in article 58 of the Constitution:

(a) Persons to whom the right to vote has been denied by an irrevocable judicial decision;

(b) Those who are lawfully deprived of their liberty;

(c) Those who by virtue of an irrevocable judicial decision have lost the right to dispose of or administer their property on account of insanity or imbecility.

296. According article 59 of the Constitution, every inhabitant who has the Surinamese nationality and who has reached the age of twenty-one and has not been deprived of the right to vote on grounds mentioned in article 58 under (a) and (c) is eligible to be elected as a member of the National Assembly.

297. The Constitution provides for the following types of election:

- (a) election of the members of the National Assembly;
- (b) election of district councils and Resort Boards.

298. The elections are held by secret ballot on the basis of universal, equal and direct electoral rights. The last elections were held in Suriname on 25 May 2000 with several international organizations attending as observers. There were 23 political parties participating in these elections thus exercising the right acknowledged in article 53 of the Constitution: "The State shall accept the freedom of citizens to create political organizations, subject to the limitations which stem from the law." (See annex 29: CD-Rom containing information regarding the general elections of May 2000).

Article 26. ICCPR

299. As previously noted in this report, the equality of individuals before the law and the right to the protection of the law for all persons is explicitly mentioned in article 8 of the Constitution:

- (a) "All who are within the territory of Suriname have an equal claim to protection of person and property";
- (b) "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".

300. The Department of Internal Affairs established a special Commission to review the national laws to determine if they create an inequality between the sexes. If so, the State will instantly modify the specific legislation. The Commission has already concluded its findings in a report and presented this to the Minister of Internal Affairs. The report is currently under discussion in the Council of Ministers.

301. As stated previously in this report, this department is also in charge of the General Gender Policy of the State. In this respect this department works in close cooperation with several focal points at the other departments. In this way this department implements the Gender Action Plan 2000-2005, which was adopted by this Government. (See annex 30: Gender Action Plan 2000-2005).

302. Due to the efforts of this department, in 2002 Suriname acceded to the Belem do Para Convention of the Organization of American States. This department also drafted a Law to explicitly penalize the act of stalking. Within this general framework the State tries to remove possible inequality between individuals based on their sex.

Article 27. ICCPR

303. The population of Suriname consists of various ethnic groups who continue to speak their language, and enjoy the culture of their native countries and are permitted to do so freely. As mentioned in this report (see the section on general information on the State) the Republic of Suriname is the world in miniature, consisting of Hindustani 35 per cent, Creoles 33 per cent, Javanese 10 per cent, Bush negroes (maroons) 10 per cent, Chinese 2 per cent Amerindians 3 per cent, the rest consists of Caucasians, Lebanese, Syrians and people of mixed race).

304. The State does not post obstruction to ethnic groups with regard to this issue. However, bringing development to the Nation as a whole and keeping in mind the right of all the ethnic groups in the State to communicate with members of their community, enjoy their own language, culture and religion, has proven not to be the easiest task of a government. The State acknowledges these rights and undertakes a good faith effort to implement those adequately.

305. The Suriname cultural policy is based (on the plurality of the Suriname population. The policy is therefore, based on the cultural democracy which is characterized by quality of all cultures and mutual acceptance and appreciation of one another's cultural expressions.

306. The Suriname cultural policy recognizes article 27 of the Universal Declaration on Human Rights and also aims at having every individual participate in full freedom in the cultural life of the community, to have him or her enjoy art, be part of scientific progress and their outcomes. Furthermore every person has the right to protection of his or hers spiritual and material interests, which ensue from scientific, literacy or artistic creation which he/she has produced.

307. According to the UNESCO, culture can be regarded as the entirety of spiritual, material, intellectual and emotional properties, which characterize a society or a social group. Culture does not only comprise of arts and literature, but includes lifestyles, fundamental rights on human beings, value systems, traditions and conventions. It is culture that enables human beings to think about themselves. Thanks to culture human beings distinguish values and can make choices. It is because of culture that people express themselves, become aware of themselves, recognize their incompleteness, study their achievements, and create work with which they surpass their own limitations. In practice, culture is a reflection of the past, but than a past that is alive, because it is included by the present generations and is linked to the daily life of human beings as a reflection of actions.

308. Since educations forms an integral part of the cultural development of individuals and groups, the State want to state the following.

(a) The main objective of financing of education is the provision of educational facilities at all levels, for all members of the Suriname society regardless of sex, religion, and financial status. Educational financing is also a means to promote and guarantee the freedom of education. In Suriname education at all levels has formally been free of charge since 1975. There is also a fellowship program available for students at the second and third level institutions. Students of the first level institutions receive the financing of material e.g.

textbooks, pencils from the Government. However, the fellowship and additional financing for students at senior secondary level are provided for those whose parents are unable to finance these. Transportation for students is also provided for by the Government;

(b) Despite the abovementioned provisions, the Government of Suriname is, due to the worse socio-economic situation of the country, not always able to provide the schools with all the necessary funding to run the school properly. Therefore the principals and school directors are allowed to ask for a parental contribution to overcome the daily expenses of the school organization;

(c) The official fees being charged per year, differs from school to school.

Pre-primary Education:

Denominational Schools

– Public schools	Sf 10,000,--
– Roman Catholic Schools	Sf 15,000,--
– Moravian Schools	Sf 20,000,--

Primary Education:

Denominational Schools

– Public schools	Sf 10,000,--
– Roman Catholic Schools	Sf 15,000,--
– Moravian Schools	Sf 20,000,--

Secondary Education:

- Junior Secondary Education

MULO Denominational Schools

– Public schools	Sf 50,000,--
– Roman Catholic Schools	Df 35,000,-- – Sf 60,000,--
– Moravian Schools	Sf 30,000,-- – Sf 60,000,--
– Technical School (LTS)	Sf 25,000,--

- Senior Secondary

(GCA) Lyceum I	Sf 50,000,--
Lyceum II (computer lessons included)	Sf 70,000,--
AMS (computer lessons included)	Sf 75,000,--
VWO-4	Sf 50,000,--
(GCO)	
HAVO-I	Sf 50,000,--
IIAVO-II	Sf 50,000,--
HAVO-III	Sf 50,000,-

Commercial College

– IMEO — I (computer lessons included)	Sf 65,000,--
– IMEO- II (computer lessons included)	Sf 65,000,--

Technical College

– AMTO	Sf 60,000,--
– NATIN	Sf 50,000,--

Teacher Training

S.P.I.	Sf 50,000,--
--------	--------------

Please note that:

- 1 U\$ = approximately Sf 3,000,-
- there is a special rate for the second and third child from one family visiting the same school (type).

(d) As indicated previously in this report, Suriname is a multi cultural and a multi-lingual society. A fact the State is very proud of. The policy is once again aimed at the promotion of cultural democracy. Knowledge of one another's cultural expressions can contribute to mutual understanding, appreciation and advancement of groups, which are pre-conditions for solidarity. The policy is among other things to maintain record and transfer the material and immaterial cultural heritage of all the cultural groups. The rich variety of cultural values and all other cultural sources can contribute to creativity and national unity for further cultural development, which aims at strengthening Suriname's cultural identity.

The exploitation of natural resources and the indigenous population

309. The ethnic groups living in the interior, the indigenous and maroons claim that due to the mining and other exploitation activities in the interior they are prohibited to enjoy their own culture. The State acknowledges that several mining activities take place in its interior. Since the natural resources of the State must be used for the benefit of the whole Nation, the State has to exploit its natural resources to bring development for its citizens. It is possible that in this process of exploiting its natural resources, acts take place in the interior that the State is unaware of. If reported to the proper authorities the State will certainly not hesitate to take correctional measures.

310. To date the NIMOS (National Institute for Environment and Development in Suriname) has compiled some 90 different studies that have been performed on the Surinamese ecosystems. Some of these deal with the mercury problems associated with small scale gold mining in the Surinamese interior. The recommendations and conclusions of a conference held in Suriname on this matter are one of several such conclusions and recommendations. The Government housed the NIMOS adequately to give it the opportunity to take charge of the several tasks it is charged with according to its Statutes, on behalf of the national interest of the State. (See annex 31: NIMOS Building in the vicinity of major governmental offices).

311. The Government has not yet taken any specific steps towards the implementation of these recommendations. It is true to say that the recent and the present governments both have put in and are still making efforts to bring the gold mining activities under control. Although at the moment the main focus seems to be more toward the organization of the financial and fiscal aspects of this gold mining, other more population-based aspects such as health will achieve more attention.

312. As background information it might be useful to acknowledge the research done by Dr. Julius de Kom on the subject of mercury poisoning in population groups in the interior and which he has published in his thesis (Human Toxicology in Suriname, 2001). In conclusion it can be said that analysis of urine samples of a study population indicated that there was clear exposure of the miners to mercury, most likely through inhalation of fumes. There however seemed to be no significant difference in the levels of mercury traces measured in the blood samples of miners and non-miners. This probably indicates that people in general in the interior are exposed to the intake of mercury or some of its derivatives. This could be through the consumption of fish from the waters in the interior.

313. There exists still severe doubts if the relatively high levels of mercury found in fish in parts of the interior are caused by contamination through mining activities or rather represent a natural situation of high levels of mercury in the soil. This issue has the full attention of the Government of Suriname.

CLOSING REMARKS

314. Due to the nature of the other articles of the ICCPR, these articles are not analyzed for the purpose of this report.

PART III

CONCLUSION

315. The Government of the Republic of Suriname, believing in the basic human rights of any individual, tried to comply with its obligations as stated in article 40 of the ICCPR, by submitting this national report. The Government notes however, that this report is not exhaustive and will most likely not comprise all the aspects as stated in the ICCPR. However, taking into account the good faith effort of the State to comply with the agreement with the United Nations Human Rights Committee at its 76th session in Geneva (22-23 October 2002) it will, if requested, be more than willing to supply any additional information with regard to the human rights situation in the State.

Paramaribo, June 2003

LIST OF ANNEXES

**NATIONAL REPORT OF THE REPUBLIC OF SURINAME PURSUANT
TO ARTICLE 40 OF THE INTERNATIONAL COVENANT ON CIVIL
AND POLITICAL RIGHTS - ICCPR**

- Annex 1: Photo indicating the ethnic diversity of Suriname's population
- Annex 2: Publication of the General Bureau for Statistics
- Annex 3: Constitution of the Republic of Suriname
- Annex 4: List of United Nations Human Rights Instruments
- Annex 5: List of ILO Human Rights Instruments
- Annex 6: Relevant articles of the Criminal Code
- Annex 7: Government Program Venetiaan I Administration
- Annex 8: Government Program Venetiaan II Administration
- Annex 9: Laws and Regulations regarding Legal Aid Assistance
- Annex 10: Draft legislation reformation of the judiciary
- Annex 11: The Convention regarding the Rights of the Child
- Annex 12: Women in Senior Staff positions I
- Annex 13: Women in Senior Staff positions II
- Annex 14: Publication: "het vrouwenverdrag" published by the NGO N.V.B
- Annex 15: Communication UNHCR 146/1983 and 148 to 154/1983
John K. Baboeram et al. v. Suriname
(1982 killings)
- Annex 16: Suriname and the Inter-American Human Rights System
- Annex 17: Covim Report dated 9 July 1999
- Annex 18: State of the Union by the President of the Republic of Suriname
- Annex 19: Newspaper article: Installation of the Committee Investigating the conditions of
detention centers in Suriname (not yet included)
- Annex 20: Picture Jewish Synagogue and Islamic Mosque in capital city Paramaribo
- Annex 21: List of media institutions in Suriname

- Annex 22: Newspaper article regarding Freedom of the press in Suriname
- Annex 23: Newspaper article: President Venetiaan supports freedom of the press in Suriname
- Annex 24: Presidential Resolution regarding “no work no pay principle”
- Annex 25: Newspaper article: Minister of Education officially opens computer centre
- Annex 26: List of Schools in the interior
- Annex 27: Statistics regarding maroons and indigenous students that attend higher education at the university
- Annex 28: Statistics regarding maroons and indigenous with the faculty of the university
- Annex 29: CD-Rom containing information regarding the general elections of May 2000
- Annex 30: Gender Action Plan 2000-2005
- Annex 31: NIMOS Building in the vicinity of major government offices
- Annex 32: Relevant articles of the Code of Criminal Procedures
- Annex 33: Newspaper article: Percentage women in parliament
- Annex 34: Newspaper article: Results abductions in December 1982
- Annex 35: Newspaper article: Statement ex army commander Desi Bouterse regarding abduction investigation
- Annex 36: Newspaper article: Police investigate torture in jails
- Annex 37: Newspaper article: Police investigation Unit for petty crimes
- Annex 38: Newspaper article by Unit supervision on detention centers
- Annex 39: Newspaper article New curriculum for language education
- Annex 40: Newspaper article decrease of juvenile criminality in Nickerie
- Annex 41: Newspaper article promulgation of new marriage law (opponents)
- Annex 42: Newspaper article promulgation of new marriage law (support)
- Annex 43: Newspaper article: Trafficking of humans under control
- Annex 44: Newspaper article: Every accused has the right to an attorney