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Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1

Suriname*

The present report is a summary of 3 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to United Nations translation services.

I. Background and framework

N/A

II. Promotion and protection of human rights on the ground

Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

1. Society for Threatened Peoples (STP) noted that Suriname is one of the most ethnically diverse countries in the Americas.²

2. Right to life, liberty and security of the person

2. Global Initiative to End All Corporal Punishment Against Children (GIEACPC) reported that corporal punishment is lawful in the home. There is no defence for its use enshrined in law. Provisions against violence and abuse in the Code of Criminal Law and the Constitution are not interpreted as prohibiting all corporal punishment in childrearing. GIEACPC also noted that corporal punishment is lawful in alternative care settings.³ GIEACPC hoped that the Review will highlight the importance of prohibiting all corporal punishment of children in all settings, including the home, and urge the Government to enact legislation to achieve this as a matter of priority.⁴

3. STP reported that prison and detention centre conditions are poor. Female and male prisoners are held separately in three prisons. There were also 19 smaller jails, or temporary detention centres, in police stations throughout the country. Most of these facilities, particularly the older jails, are unsanitary and seriously overcrowded. As of October 17, 2009, the 19 jails and three prisons held 584 men and 30 women. At year's end the three main prisons and the main pre-trial detention centre that opened in December 2008 held 915 persons. Violence among prisoners is common. According to STP, in a letter addressed to an attorney's office in November, prisoners from the Santo Boma prison complained of inadequate food provisions, limited ventilation, mistreatment by prison guards as well as insufficient rehabilitation programmes.⁵

4. STP further indicated that pre-trial detention facilities are overcrowded. Growing numbers of convicted prisoners are held in pre-trial detention cells due to prison overcrowding. Due to staff shortages, police officers rarely permitted detainees to leave their cells.⁶

3. Administration of justice and rule of law

5. STP reported that in 2009, the Personnel Investigation Department (OPZ), an office within the Police Department, that investigates complaints against members of the police force, received 189 complaints and launched 57 investigations into cases involving narcotics, bribery, and other types of police misconduct.⁷

6. STP provided information that Desi Bouterse was returned to power as the elected President, by Parliament on 19 July 2010. According to STP, the murder trial for Desi Bouterse resumed on 15 October 2010, but the judge postponed it again after none of the defense witnesses appeared to testify. Desi Bouterse and 11 associates are charged in the

December 1982 slaying of 15 politicians, journalists and others who opposed his military dictatorship.⁸

7. According to STP, Bouterse has accepted "political responsibility" for the so-called December killings but denied a direct role and that, while leader of the main opposition party, he tried several times to get parliament to pass an amnesty law. STP further stated that as president he is not required to testify.⁹

4. Freedom of expression

8. STP reported that some media members continue to practice occasional self-censorship, due to a history of intimidation and reprisals by certain elements of the former military leadership.¹⁰

5. Right to social security and to an adequate standard of living

9. The University of Oklahoma College of Law, International Human Rights Clinic (UO/IHRC) indicated that over 57,000 indigenous and Maroon people are living in the interior. UO/IHRC noted that Suriname spends roughly one-third of the amount per capita for health care in the interior as it spends for individuals living in cities. Children in the interior are more than twice as likely to be malnourished as children in cities. UO/IHRC made the recommendation to commence or continue building clinics in the interior and to hire more trained health care personnel conversant in local languages.¹¹

10. UO/IHRC reported that unregulated gold mining in the interior causes mercury pollution and poisoning. It further noted that tests show mercury levels that were more than double the World Health Organization recommended "safe" levels. UO/IHRC made the recommendation to effectively regulate gold mining so as to prohibit mercury pollution.¹² UO/IHRC also made recommendations to enact measures to clean up the waterways that have been affected by mercury runoff; to provide food and drinking water to minimize future impact including malnutrition; to enlist aid from foreign governments and NGOs where available.¹³

11. UO/IHRC stated that, with help from other governments and outside NGOs, Suriname offers vaccinations, medication and information to combat the rate of malaria-attributed deaths and made the recommendation to continue the anti-malaria programmes and implement measures to fund the programme internally should outside support cease.¹⁴

6. Right to education and to participate in the cultural life of the community

12. UO/IHRC noted that a significant disparity exists in the quality of and access to education between the general population and Suriname's indigenous and tribal peoples, due primarily to the lack of education infrastructure. Teachers in the interior are often under-qualified, and school curricula and facilities are often outdated. The lack of access is evinced by the fact that indigenous, tribal, and minority children in the interior of Suriname have significantly lower school attendance rates than the general and coastal populations.¹⁵

13. UO/IHRC indicated that much debate exists over the desirability and practicality of balancing Dutch, the official language, and native tribal languages in the education of indigenous and interior children. While virtually all agree that Dutch should be taught, considerable division exists about whether other languages should be taught at all and, if so, to what extent. UO/IHRC noted that the CERD Committee has recommended bilingual education for younger children, whereas others desire Dutch as a primary focus to help facilitate future educational efforts in Suriname society. These discussions are complicated by the lack of teachers trained in multiple languages and the fact that most indigenous languages are not written.¹⁶

14. UO/IHRC made recommendations to increase the quality of education in the interior of the country so that it approaches the level of education in the coastal region;¹⁷ to take measures, such as eliminating and/or subsidizing of school fees, to improve attendance rates for indigenous and Maroon children, especially those in the interior;¹⁸ to encourage and assist private efforts to provide and improve the educational environment among the indigenous and Maroons, especially in the interior of the country;¹⁹ to improve and publish education statistics about interior Maroon and indigenous groups;²⁰ and to investigate the effectiveness and practicality of bilingual education for young children, with an eye to implementation if it proves to be possible and desirable.²¹

15. UO/IHRC also noted that many interior and indigenous students have to travel to Paramaribo for high school and higher education and that reports indicate that such students experience significant problems adjusting. Such difficulties include a lack of money and pregnancy, which often lead to dropping out. UO/IHRC made the recommendation to Suriname that it assist indigenous children in their pursuit of higher education in the coastal regions.²²

7. Minorities and indigenous peoples

16. According to STP, most Amerindians – who make up for three percent of the population – are economically disadvantaged and have only limited ability to participate in decisions affecting their lands, cultures, traditions, and natural resources. The country's political life, educational opportunities, and jobs are concentrated in the capital Paramaribo. The majority of Amerindians live in the interior of the country, where government services are seldom available. Amerindians and Maroons suffer from illegal and uncontrolled logging and mining.²³

17. STP noted that in August of 2008, the Inter-American Court of Human Rights ruled on Suriname's request for an interpretation of a November 2007 judgment by the Court regarding logging and mining concessions on the territory of the Saramaka People. The Saramaka People, descend from escaped African slaves who established settlements in Suriname's rainforest interior in the 17th and 18th century.²⁴ According to the UO/IHRC, land rights remain an issue of primary importance for the indigenous and tribal peoples of Suriname. As stated by the Inter-American Court in Case of the Saramaka People, the domestic legal framework of the state does not recognize the right of the indigenous people to own the land, either individually or collectively, "but rather a privilege to use land." Thus, few communities are secure in their land ownership, and where title has been recognized by the state of Suriname, it has been in the form of individual rather than collective title.²⁵ UO/IHRC made the recommendation to recognize through legislation the right of indigenous peoples to own land collectively.²⁶

18. UO/IHRC indicated that to date, the right of indigenous peoples to hold legal title to their land in a collective or communal manner has not been recognized or given legislative force. UO/IHRC noted that the State has been urged by the Committee on the Elimination of Racial Discrimination to legally acknowledge the rights of indigenous and tribal peoples "to own, develop, control and use their lands, resources and communal territories according to customary laws and traditional land-tenure system."²⁷ UO/IHRC recommended that a system of legal title documentation be instituted for practical representation of indigenous peoples' collective land rights, accounting for their unique land tenure systems.²⁸

19. UO/IHRC indicated that the Council for the Development of the Interior is charged with promoting institutionalized dialogue between the Government of Suriname and traditional communities of the interior, but is still in the process of gathering information.²⁹ UO/IHRC also indicated that many of the indigenous and tribal peoples of Suriname are also in the process of demarcating their territories³⁰ and made the recommendation to properly demarcate the territory of the indigenous peoples with their participation.³¹

20. UO/IHRC referred to the Suriname State party report to CERD in which Suriname stated that “rights to subsurface resources are not and have never been part of the Maroons and Indigenous Peoples’ sui generis land rights.” According to UO/IHRC, indigenous peoples are denied the legal right to own, use, or develop natural sub-surface resources that are under their tribal lands. This right is especially pertinent to the Maroon or tribal peoples of Suriname who engage in small scale gold mining but do so at the sufferance of the State.³² According to UO/IHRC, Suriname has established a system to consult indigenous and tribal peoples prior to granting mining concessions to outside companies. This process is not always effective, however, due to communication failures and lack of knowledge.³³

21. UO/IHRC made recommendations to: acknowledge the right of indigenous peoples to develop resources on their lands;³⁴ grant no concessions to develop and exploit natural resources without consultation and prior, informed consent of the indigenous peoples³⁵ and grant no concessions to develop and exploit resources without prior independent research on potential social, economic, and environmental impacts.³⁶

III. Achievements, best practices, challenges and constraints

22. UO/IHRC stated that Suriname has successfully decreased malarial deaths within the last decade which have been near zero for the last two years.³⁷

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

23. UO/IHRC noted that the State has sought the technical assistance of the Special Rapporteur on the rights and fundamental freedoms of indigenous peoples for a draft framework law on the rights of indigenous peoples.³⁸

Notes

¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council)

Civil society

GIEACPC Global Initiative to End All Corporal Punishment Against Children, London (UK);

STP Society for Threatened Peoples*, Göttingen (Germany);

UO/IHRC University of Oklahoma College of Law, International Human Rights Clinic, USA.

² STP, p. 1.

³ GIEACPC, p. 2.

⁴ GIEACPC, p. 1.

⁵ STP, pp. 1–2.

⁶ STP, pp. 1–2.

⁷ STP, pp. 1–2.

⁸ STP, p. 1.

⁹ STP, p. 1.

¹⁰ STP, p. 1.

- 11 UO/IHRC, p. 5.
- 12 UO/IHRC, p. 5.
- 13 UO/IHRC, p. 5.
- 14 UO/IHRC, p. 5.
- 15 UO/IHRC, p. 4.
- 16 UO/IHRC, p. 4.
- 17 UO/IHRC, p. 4.
- 18 UO/IHRC, p. 4.
- 19 UO/IHRC, p. 4.
- 20 UO/IHRC, p. 4.
- 21 UO/IHRC, p. 4.
- 22 UO/IHRC, p. 4.
- 23 STP, p. 2.
- 24 STP, p. 1.
- 25 UO/IHRC, p. 2.
- 26 UO/IHRC, p. 3.
- 27 UO/IHRC, p. 2.
- 28 UO/IHRC, p. 3.
- 29 UO/IHRC, p. 2.
- 30 UO/IHRC, p. 2.
- 31 UO/IHRC, p. 3.
- 32 UO/IHRC, p. 2.
- 33 UO/IHRC, p. 3.
- 34 UO/IHRC, p. 2.
- 35 UO/IHRC, p. 3.
- 36 UO/IHRC, p. 3.
- 37 UO/IHRC, p. 5.
- 38 UO/IHRC, p. 2.
