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the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9  
OF THE CONVENTION**

**Tenth periodic reports of States parties due in 2003**

**Addendum**

**SURINAME\***

[31 July 2003]

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\* This document contains the initial, second, third, fourth, sixth, seventh, eighth, ninth and tenth periodic reports of Suriname, due on 14 April 1985, 1987, 1989, 1991, 1993, 1995, 1997, 1999, 2001 and 2003 respectively, submitted in one document.

**REPORT OF THE REPUBLIC OF SURINAME PURSUANT TO ARTICLE 9  
OF THE INTERNATIONAL COVENANT ON THE ELIMINATION OF ALL  
FORMS OF RACIAL DISCRIMINATION\***

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## I. GENERAL INFORMATION ON THE REPUBLIC OF SURINAME

### A. Geographical location and demographic data

1. The western coast of the Guyanas, of which Suriname is part, was discovered in the late fifteenth century. The original inhabitants were Amerindians. After different colonization attempts by the British 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 China, India and Indonesia. The descendants of these immigrants now form the larger part of the population of Suriname.

2. Suriname lies on the north-eastern part of the continent of South America, between latitude 60° and 20° north and longitude 54° and 56° west. It borders on the Atlantic Ocean in the north, Guyana in the west, French Guiana in the east and Brazil in the south. Suriname is divided into 10 administrative districts. Its capital city is Paramaribo. The country, which is largely covered by tropical rainforest, has a surface area of about 166,820 km<sup>2</sup>. 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.

3. About 10 per cent of the population lives in the north-western 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.

4. The economically active population consists of 127,000 persons and the number of economically active people who are employed is estimated 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), Indians (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).

5. This enormous cultural diversity characterizes Suriname as a fascinating society with different ethnic groups, each with their own language. At least 15 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 Hakka Chinese;
- Two Maroon languages: Auka, Saramaka;
- Six Amerindian languages: Akurio, Carib, Trio, Wayana, Warao and Arowak.

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 curriculum of the middle and high school in Suriname. This means that there is a large number of more or less established languages spoken among a relatively small population. In the variety of languages mentioned above the Arabic spoken exclusively by the Lebanese and Muslims and the Urdu spoken by older Indian people, were not included. It is said that a large number of persons in Suriname are bilingual or multilingual.

6. The General Bureau of Statistics publishes relevant statistics gathered over the years. Health statistics are gathered with the assistance of the Public Health Bureau of the Ministry of Health. The 2000 population 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) 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 was 6,921 in 2001. Deaths in 2000 including deaths of non-residents were 3,090.

## **B. Economic data**

7. 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 US\$ 3,677 (informal sector not included). The national income (2001) was US\$ 4,140 (informal sector included). Export products include bauxite, alumina, aluminium, crude oil, rice, bananas, shrimp and timber. In 2001, the value of the annual exports to the Caribbean Community (CARICOM) countries was US\$ 28,100,651. The value of exports from the agriculture sector was in the first half of 2002: US\$ 28,917,517. The literacy rate (2000) for males was 90.2 per cent and for females 82.3 per cent.

8. The annual production of bauxite and aluminium for 2001 was 4,260 and 1,893 thousand metric tons. Exports of aluminium were 1,909 metric tons a year.

## **C. General political structure**

### **1. Introduction**

9. Suriname became a colony of the Kingdom of the Netherlands in 1667 and stayed a colony till the twentieth 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 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.

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

11. 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, thereby destroying the fragile return of democracy in the Republic of Suriname.

12. On 25 May 1991, general elections were held and the constituents once again voted for the return to democracy (the Venetiaan I Government). In 1996, general elections were held and President Jules Wijdenbosch - a close ally of the military government in the 1980s - assumed power. The last general elections were held in May 2000 and the current Venetiaan II Administration assumed power.

13. In the 1980s there was lack of respect for the constitutional State, serious violations of human rights, a devastating war in the hinterland of Suriname. The democratization process, which had officially started when the Shankar Administration was installed in January 1988 suffered from a second coup d'état on 24 December 1990, and a setback to democracy. As stated above, democracy was restored shortly after that when, in May 1991, a democratically elected civilian government assumed power in Suriname.

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

## **2. Head of State**

15. The President (head of State) is discussed in chapter XII of the Constitution. 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.

16. The President is the commander-in-chief of the armed forces, is responsible for foreign policy and promotes development in 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.

## **3. Legislative power**

17. Legislative power is discussed in chapter XI of the Constitution. Legislative power is jointly exercised by the National Assembly and the Government. The socio-economic and political policy which the Government will conduct is 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 of 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 30 days of 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.

#### **4. Executive power**

18. Executive power is discussed in chapter XIII, section 2 of the Constitution. 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.

19. The law provides for penalties in cases 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.

#### **5. Regional administration, regional legislation and regional governments**

20. 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 are 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. Supervision over the districts is exercised by the Government as 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 programme or existing legal regulations, the National Assembly can repeal it. 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 of the district.

#### **6. Judicial power**

21. Judicial power is discussed in chapter XV of the Constitution; 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 brought before the court is prohibited. The High Court of Justice is the highest body of judicial power and is responsible for 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.

22. 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.

23. The Constitution provides for a Constitutional Court, which is in charge of 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 responsible for adjudging whether the decisions of government bodies are compatible with one or more rights and freedoms laid down in the Constitution. At present the Constitutional Court does not yet exist, although a bill regarding its composition, establishment and procedures has been submitted to the National Assembly.

24. 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 prosecutions 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. The general prosecution policy is determined by the Government. Only in exceptional cases involving the security of the State, can the Government instruct the Attorney-General with regard to prosecution. The Attorney-General is also appointed for life by the Government.

25. Article 131, paragraph 1, of the Constitution states that the administration of justice in Suriname is carried out 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.

26. A few acts serving as the legal basis for 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.

27. Surinamese law recognizes 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.

28. 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.



29. 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.

### **7. Army and police**

30. 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 defence of sovereignty and 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 the competent authorities.

31. The Government of Suriname is working towards the transformation of the army into a so-called "Development Army". In this respect, the army often works closely with the police in nationwide activities for example, to combat crime. Currently, both the army and the police are working on "Operation Safe Suriname". In this Operation these organs of the State work together in implementing the State's policy to combat increasing crime nationwide.

32. In contradiction with the period of the military government (1980-1988), the military currently does not have the authority by law to investigate crime in the State. This was changed shortly after the democratically 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 cannot use legal means of coercion, except in cases of a citizen's arrest, they assist the police in its work.

33. The President of the Republic of Suriname is the commander-in-chief of the armed forces. The Police Corps of Suriname is in charge of maintaining public order, domestic security, prevention of violations thereof and protection of persons and goods. Moreover, the police have been assigned the task of detecting 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.

### **D. Protection of human rights**

#### **United Nations human rights instruments**

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

- (a) International Covenant on Civil and Political Rights and its Optional Protocol;
- (b) International Covenant on Economic, Social and Cultural Rights;
- (c) International Convention on the Elimination of All Forms of Racial Discrimination;
- (d) International Convention on the Suppression and Punishment of the Crime of Apartheid;

- (e) Convention on the Elimination of All Forms of Discrimination against Women;
- (f) Convention on the Rights of the Child.

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 of Belém do Pará).

35. In the field of human rights, Suriname also acceded to the following conventions of the International Labour Organization (ILO):

- (a) Convention (No. 29) concerning Forced Labour;
- (b) Convention (No. 87) concerning Freedom of Association and Protection of the Right to Organise;
- (c) Convention (No. 105) concerning the Abolition of Forced Labour;
- (d) Convention (No. 135) concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking;
- (e) Convention (No. 155) concerning Occupational Safety and Health and the Working Environment.

In addition to the above-mentioned Conventions, the State is party to 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.

36. The Constitution lays 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.

### **E. The Constitution**

37. 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 protection of these rights is expressed:

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).

38. 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, honour 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).

39. 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 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 (arts. 24, 26, 27, 28, 29, 15, 30, 31, 32 and 33 and also art. 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).

40. Article 3 of the third section of chapter 1 states inter alia: all Surinamese citizens shall be allowed access into Suriname and are free to travel and to reside within Suriname, except in the cases as defined by law; and all Surinamese citizens shall be eligible for appointment to any public office without discrimination.

41. Article 4 of the fourth section regarding the State and society states that the concern of the State is aimed at inter alia:

(a) A secured means of livelihood for the entire population;

(b) The sharing of everyone in economic, social and cultural development and progress.

42. Article 6 of chapter 3 states that the social objectives of the State shall aim at:

(a) Guaranteeing the participation of the community in political life, among other things, through national, regional and sectoral participation;

(b) An equitable distribution of the national income, directed towards a fair distribution of well-being and wealth among all strata of the population.

43. Article 7 of chapter IV states inter alia that the Republic of Suriname promotes solidarity and collaboration with other peoples in combating colonialism, neocolonialism, racism and genocide, and in the fight for national liberation, peace and social progress.

44. In chapter V, article 8 regarding individual rights and freedom states:

(a) All who are in the territory of Suriname shall have an equal claim to protection of person and property;

(b) No one shall be discriminated against on grounds of birth, sex, race, language, religion, education, political opinion, economic position or any other status.

45. Article 28 of chapter VI states that all employees shall have, independent of their age, sex, race, nationality, religion or political beliefs, the right to:

(a) Remuneration for their work corresponding to quantity, type, quality, and experience on the basis of equal pay for equal work;

(b) The performance of their task under humane conditions to enable self-development;

(c) Safe and healthy working conditions;

(d) Sufficient rest and recreation.

#### **F. The Criminal Code**

46. 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 that 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.

47. All criminal offences, which refer to violations of human rights and freedoms, 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.

48. 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 interests and promote confidence in business.

#### **G. Protection of human rights**

49. Violations of basic rights are submitted to the court of justice. The Constitutional Court yet to be installed will have the task of reviewing laws or part thereof to see whether they are in contravention of the Constitution and international conventions as well as of adjudicating 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.

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

51. In the Government Programme of the Venetiaan II Administration (2000-2005), several measures are also stated for the promotion and protection of human rights.

#### **H. State of emergency and human rights**

52. According to article 23 of 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 Assembly.

53. This article explicitly states that 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.

## **II. ANALYSIS OF THE PROVISIONS OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION WITH REGARD TO THE REPUBLIC OF SURINAME**

### **A. Introduction**

54. Suriname became a party to the above-mentioned Convention shortly after its independence. In March 1976 Suriname acceded to the Convention by State succession.

55. The Government of Suriname never presented a report pursuant to article 9 of the Convention owing to a lack of human rights experts and the disturbances of the 1980s. In February 1980, a military group staged a coup d' état and the elected democratic Government was removed from power.

56. The Republic of Suriname has not reported to the Committee on the Elimination of Racial Discrimination with regard to the measures it has adopted to give effect to the rights recognized in the Convention. This is due to several circumstances among which:

(a) From 1980 till 1987 the State was ruled by the military;

(b) From 1987 till 1991, even though a democratically 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 had precariously been established after seven years of military rule;

(d) Military and paramilitary 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.

57. The Government knows that, based on the provisions of the Convention, it has the obligation to report regularly to the Committee, and that these reports are essential for safeguarding the rights of its citizens as set forward in the Convention. The above-mentioned reasons are therefore not given to make up for its failure to comply with the provisions of the Convention. These reasons are stated to inform the Committee of the underlying factors that have caused Suriname's inability to report.

58. Since this Government strongly believes that all its citizens must be able to enjoy their human rights to their fullest extent, it has tried to achieve this goal under the circumstances which have existed in the Republic of Suriname over the years. The Government of Suriname assures the Committee that Suriname stands for an open and transparent policy in which the enjoyment of human rights of its citizens is a main priority. It has adopted the policy of eliminating all forms of racial discrimination in its jurisdiction.

## **B. Article 1**

59. The definition of racial discrimination in the Convention has been adopted by the Constitution, which unequivocally states in article 8 that "no one shall be discriminated against on grounds of birth, sex, race, language, religion, education, political opinion, economic position or any other status". Not only in the Constitution has the definition of racial discrimination as mentioned in the Convention been adopted, but also in the Criminal Code, which states in article 126 that discrimination shall mean any distinction, restriction or preference which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life. Other articles in chapters V and VI of the Constitution, discussing fundamental rights, make no distinction between individuals, indicating that all individuals have the same rights.

60. Pursuant to article 1, section 2, of the Convention, the State has adopted several acts indicating distinctions or restrictions between citizens and non-citizens. The Election Act, for example, only gives Surinamese nationals the right to vote and to be chosen in high governmental and administrative positions. Residents can be chosen as members of the National Assembly, members of the judiciary, members of the executive branch, etc. These acts are in compliance with the Convention and are not considered racial discrimination.

61. The Surinamese Nationality and Citizenship Act gives provisions regarding nationality, citizenship and naturalization of individuals. This act does not discriminate against any particular nationality but gives objective norms/standards that must be complied with before an individual can receive Surinamese nationality. Based on the Constitution, this must be done by an act of the National Assembly.

62. The Preamble of the Constitution states: "... Convinced of our duty to respect and safeguard the principles of freedom, equality and democracy as well as the fundamental human rights and freedoms". With this citation from its Constitution, the State wants to demonstrate its commitment with regard to the equality principle and the enjoyment of fundamental human rights and freedoms in a democratic society.

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

64. Individual civil and political rights in Suriname are established mainly by the Constitution of the Republic of Suriname (hereinafter the Constitution). The current Constitution was adopted by a public referendum in 1987. Even though the Constitution does not mention the Universal Declaration of 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 Convention.

65. 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.

66. Article 1, paragraph 1, of the Constitution of 1987 states the following: "The Republic of Suriname is a democratic State based on the sovereignty of the people and on respecting and safeguarding fundamental rights and freedoms." With regard to the equal protection of citizens, it may be said that this is guaranteed in the Constitution in article 8.

67. Chapters 5 and 6 of the Constitution give rules concerning equal protection of citizens. Reference is made to articles 8-39 that safeguard fundamental and social rights of citizens of the Republic of Suriname.

68. The population of Suriname consists of various ethnic groups which continue to speak their language, 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 Hindus 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.

69. The State does not pose obstruction to ethnic groups with regard to this issue. However, bringing development to the nation as a whole keeping in mind the right of all ethnic groups in the State to communicate with members of their community, enjoy their own language, culture and religion, has not proved to be the easiest task of Government. The State acknowledges these rights and undertakes in good faith efforts to implement them adequately.



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

71. Suriname cultural policy recognizes article 27 of the Universal Declaration of Human Rights and also aims at having every individual participate in full freedom in the cultural life of the community, for him or her to enjoy art, be part of scientific progress and its outcomes. Furthermore, every person has the right to protection of his or her spiritual and material interests, that ensue from scientific, literary or artistic creations which he/she has produced.

72. At this particular moment the Government of Suriname has not yet adopted special measures to secure adequate advancement of certain racial or ethnic groups or individuals that require protection.

73. The Government does not have data available that sections of the ethnically diverse population (groups or individuals) need special protection in order to ensure equal enjoyment or exercise of human rights. If this is deemed necessary, the Government will not hesitate to act accordingly. This will not be deemed racial discrimination. It must be noted, however, that the Government has an open mind as to the position of women in the community. In the Gender Action Plan steps are indicated on how to improve the position of women in society. These acts do not constitute racial discrimination since they do not lead to the maintenance of separate rights for different groups.

74. According to the United Nations Educational, Scientific and Cultural Organization (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 art and literature, but includes lifestyles, fundamental rights of 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 a past that is alive, because it is enjoyed by present generations and is linked to the daily life of human beings as a reflection of their actions.

75. Since education forms an integral part of the cultural development of individuals and groups, the State wishes to state the following. The main objective of financing education is the provision of educational facilities at all levels, for all members of Suriname society regardless of race, 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 programme available for students at second and third-level institutions. Students at first-level institutions receive financing of material, e.g. textbooks and pencils, from the Government. However, fellowships 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.

76. Despite the above-mentioned provisions, the Government of Suriname, owing to the poor socio-economic situation of the country, is not always able to provide the schools with all the necessary funding for running the schools properly. Therefore the principals and school directors are allowed to ask for a parental contribution to cover the daily expenses of the school.

77. The official fees being charged (in Suriname guilders)\* per year differ 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 (secondary school) denominational schools

Public schools	Sf. 50,000
Roman Catholic schools	Sf. 35,000-Sf. 60,000
Moravian schools	Sf. 30,000-Sf. 60,000
Technical school	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 (university preparatory education)	Sf. 50,000

(GCO)

Upper general secondary school (HAVO-I)	Sf. 50,000
HAVO-II	Sf. 50,000
HAVO-III	Sf. 50,000

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\* US\$ 1 = approximately Sf. 3,000.

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
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78. As indicated previously in this report, Suriname is a multicultural and multilingual society, a fact of which the State is very proud. Its 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 preconditions for solidarity. The policy among other things aims to maintain records and transfer the material and immaterial cultural heritage of all the cultural groups.

79. The rich variety of cultural values and all other cultural sources can contribute to creativity and national unity for further cultural development, strengthening Suriname's cultural identity.

**Education for children in the interior**

80. With regard to the education for children living in the interior, the State notes the following. Education in the interior has been neglected in past years. In view of the enormous spread of villages in a sparsely populated area (in 130,000 km<sup>2</sup> there are no more than 50,000 people), it is extremely difficult to make adequate provisions available everywhere. Since many villages lie at quite some distance from one another, pupils have to cover long distances to be able to attend school. Furthermore, there is lack of adequate housing accommodation 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 (owing to the attitude of the gold-diggers who are prepared to pay high prices).

81. There is a need for a plan so that the arrears of education in the interior can be reduced. Almost 80 per cent of the schools in the interior are schools of the denominational organizations, such as the Roman Catholics and the Moravian brothers. It is worth mentioning that a huge number of school facilities were destroyed during the internal armed conflicts in the late 1980s.

82. One of the innovative strategies for addressing 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 centre.

83. Both the Government and the non-governmental organizations (NGOs) are working on educational projects to improve education in the interior. The Minister of Education and Development just recently established a computer centre to train teachers who work in the interior. The next step will be to bring computer education to the children in the interior.

84. 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 "Education Interior" section and this section is working closely with labour organizations, the local population and NGOs to improve the education system for children in the interior.

85. One main issue is the language barrier. Since Dutch is the official language in Suriname, education is almost completely in this language. So are the books and other materials. However, the children speak their own tribal language when they are at home and within their family environment. With reference to the many ethnic groups in Suriname, it must be noted that children from other ethnic groups also face the same difficulties; particularly children living in the districts.

86. The Department of Education has made several studies to revise the curriculum of the education system for 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, have to take one uniform examination to determine if they are able to attend secondary education.

87. Despite the fact that the children in the interior face more obstacles than 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.

88. It is also worth mentioning that the number of Maroons and indigenous people who participate in daily life, and have staff positions in the community, is increasing steadily. This is again an indication that the efforts of the Government have results. However, the Government realizes that there still is a lot of work to be done in this respect.

### **Exploitation of natural resources and the indigenous population**

89. The ethnic groups living in the interior, the indigenous people and Maroons claim that, owing to the mining and other exploitation activities in the interior they are prohibited from enjoying their own culture.

90. 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 to its citizens. It is possible that in this process of exploiting its natural resources, acts take place in the interior of which the State is unaware. If these are reported to the proper authorities the State will certainly not hesitate to take corrective measures.

91. To date, 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 of these. The Government housed NIMOS adequately to give it the opportunity to take charge of the several tasks for which it is responsible according to its statutes, on behalf of the national interest of the State.

92. The Government has not yet taken any specific steps towards the implementation of these recommendations. It is true to say that the recent and present Governments have made efforts to bring the gold mining activities under control.

93. Although at the moment the main focus seems to be more the organization of the financial and fiscal aspects of this gold mining, other more population-based aspects such as health issues, will receive more attention.

94. 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 which he has published in his thesis (*Human Toxicology in Suriname, 2001*). In conclusion it can be said that analysis of urine samples in the 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 there.

95. There still exist severe doubts whether 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.

### **C. Article 2**

96. The Republic of Suriname condemns racial discrimination and has a policy which eliminates racial discrimination in all forms. In the Constitution article 8 states:

(a) All who are in the territory of Suriname shall have an equal claim to protection of person and property;

(b) No one shall be discriminated against on grounds of birth, sex, race, language, religion, education, political opinion, economic position or any other status.

97. The majority of the indigenous peoples and Maroons live in the interior of the Republic of Suriname. These groups of Surinamese citizens have more privileges than the people living in the coastal area. By virtue of the Constitution of the Republic of Suriname (1987) all forests, with the exception of those on private property, are owned by the State. The total forest area on private land does not exceed 50,000 ha. The State grants rights of use in the form of logging rights, mining rights and licences for fishing, gathering of non-timber forest products and

bioprospecting. In addition, areas are used in land leases, agriculture or ecotourism, etc. Part of the forest, about 435,000 ha, is allocated a woodcutting licence (HKV) and the rest since the Forest Management Act (1992), is community forest. The original aim of the woodcutting licence was that the members of the community actually living in the interior would be able to harvest timber and other forest products for their own use. The same now applies to the community forests. The woodcutting licence is registered in the name of the village chief or the captain. In many cases the consequence is that control over the rights and revenues remains concentrated with the licence-holder. Because of this it is possible that the villagers do not sufficiently benefit from their community forest and thus the allocation of community forests does not produce the intended effect. This issue however has the attention of the Government, which needs to undertake appropriate action through the dignitaries in the seven Maroon and indigenous groups.

### **Constitutional provisions**

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

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

100. Article 5, subsection 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.

101. 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.

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

103. 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 want to know (before they invest) the statutory conditions in the State prior to any investment.

### **D. Article 3**

104. The Republic of Suriname condemns racial segregation and apartheid and there is no territory under its jurisdiction which exercises this kind of discrimination. The Constitution states in chapter 1, article 3, inter alia: "All Surinamese citizens shall be allowed access into Suriname and are free to travel and to reside within Suriname and shall be eligible for appointment to any public office without discrimination."

105. There are several different races living in Suriname in harmony. During slavery and shortly thereafter the Dutch who colonized Suriname for more than three centuries established a system of racial segregation, but after slavery was abolished, segregation or apartheid in

Suriname was systematically diminished. To implement their divisive policy in the colony of Suriname, the Kingdom of the Netherlands instituted a system in which several ethnic groups were forced to live with one another in certain parts of the colony. Some districts were mainly inhabited by particular ethnic groups:

Nickerie, Hindus;

Commewijne, Javanese;

Coronie, Negroes; and

Saramacca, Javanese/Hindus.

106. Several areas in the capital city of Paramaribo are also a reflection of this divisive policy. This Government and the previous governments that assumed power after Suriname's independence in November 1975 inherited the current situation that tends to create segregation among the diverse ethnic populations. The policy of the current Government is one by which citizens are encouraged to travel freely in the State and choose their domicile wherever they wish. The Constitution guarantees this right. The Republic of Suriname is an example of how different races live together.

#### **E. Article 4**

107. Not only does the Republic of Suriname condemn racial discrimination in all its forms, but it is also punishable by law. The Criminal Code gives a definition of discrimination in article 126 and in other articles elaborates on the punishment of discrimination.

108. Article 126. Discrimination shall mean any distinction, restriction or preference which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedom in the political, economic, social, cultural or any other field of public life.

109. 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 Sf. 1,000.

110. Article 175 (a). 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 Sf. 2,000.

111. Article 176. He who, other than purely for information:

(a) Publishes a statement which he knows or must reasonably suspect to be insulting to a group of persons on the ground of their race, religion or life philosophy, or instigates hatred or discrimination of people or violence against the person or property of people on the ground of their race, religion or life philosophy;

(b) Disseminates an object of which he knows or must reasonably suspect that it contains such a statement, or has this object in store for the purpose of publishing or disseminating it;

will be punishable by a jail term of no more than six months or a fine of no more than Sf. 500.

112. Article 190. This article provides that the person who purposely disseminates untruthful information while he knows or must reasonably suspect that by this information, the public peace may be disturbed among the population, part of the population or a group of people belonging to the population, will be punishable by a jail term of no more than one year or a fine of no more than Sf. 1,000.

113. Article 500 (bis). This article provides that the person who participates in or provides financial or other support to activities aimed at discrimination against people on the grounds of their race, will be punishable by a detention of no more than two months or a fine of no more than Sf. 200.

114. Article 500 (ter). This article provides that the person who, in the practice of his profession or business, in offering goods or services or by making an offer, aggrieves a person based on his race, is punishable by a detention of no more than one month or a fine of no more Sf. 100.

115. The national legislation in Suriname is in complete conformity with the provisions of the Convention. In a recent act, the General Monetary Sanctions Act, monetary sanctions were increased significantly. It is evident that the Government is very clear on this issue. The laws are strictly enforced. The licence of a store owner was revoked because he placed a sign referring to a particular ethnic group indicating that they were not welcome since they did not buy but simply window-shopped. Because of the diverse population, it is the duty of the Government to make sure that clashes between the races do not happen. The bad examples seen in Guyana and Trinidad and Tobago, and some African States are certainly not situations the Government wants for its citizens.

#### **F. Article 5**

116. The Constitution safeguards the rights mentioned in article 5 of the Convention. Among others:

(a) Article 8 of the Constitution states:

- (i) Everyone on the territory of Suriname has an equal claim to protection of their person and property;
- (ii) No one shall be discriminated against on the grounds of birth, sex, race, language, religion, origin, education, political belief, economic position or any other status.



(b) Article 9 of the Constitution states:

Everyone has the right to physical, mental and moral integrity. No one may be submitted to torture, degrading or inhumane treatment or punishment. In addition with regard to the right to vote, article 59 of the Constitution states that all residents who have Surinamese nationality, who have reached the age of 21 and have not been deprived of the right to vote are eligible to vote.

(c) The Constitution states in article 10 of chapter V:

Everyone shall have, in case of infringement of their right and freedom, a claim to an honest and public treatment of their complaint within a reasonable time by an independent and impartial judge.

117. The rights of the citizens to participate in public life, in 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.”

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

- (i) Persons to whom the right to vote has been denied by an irrevocable judicial decision;
- (ii) Those who are lawfully deprived of their liberty;
- (iii) 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.

119. According to article 59 of the Constitution, every inhabitant who has Surinamese nationality and who has reached the age of 21 and has not been deprived of the right to vote on the grounds mentioned in article 58 under (a) and (c) is eligible to be elected as a member of the National Assembly. The fact that the national legislation of the State makes a distinction between inhabitants that have Surinamese nationality and those without Surinamese nationality is not in violation of the provisions of the Covention.

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

- (i) Election of the members of the National Assembly;
- (ii) Election of district councils and Resort Boards.

121. 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.”

122. All Surinamese citizens shall be allowed access into Suriname and are free to travel and to reside within Suriname and shall be eligible for appointment to any public office without discrimination.

123. Everyone in Suriname has the right to leave the country (except in case of detention) and return. The national legislation of the State is in conformity with the provisions of article 5 (d) (ii).

124. 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. 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.

125. The Constitution acknowledges in article 16, paragraph 1, that everyone 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 10 June 1983 implementing new rules regarding extradition and other forms of international legal cooperation in criminal cases.

126. 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.

127. 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 also applies if a judgement rendered against a person must be executed.

128. 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.

129. 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.

130. Owing to practical reasons from the administrative point of view, it is necessary for every person to observe the statutory regulations prevailing in this respect when changing address:

(a) Everyone 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, is it discovered that people have moved to another district without the proper (de)registration. When people need a document from the registry office of the district to which they have moved, 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 sixth 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.

131. Article 3 of the Constitution states: “who is a Surinamese national and who is a resident shall be decided by law”. Naturalization is also regulated by law. The Nationality and Residents Act of 24 November 1975 as amended by S.B. 1984 No. 29 gives the procedures regarding nationality and residency in Suriname. The national laws of the State provide for the *jus sanguinis* principle with regard to nationality awarded to individuals. This “blood principle” provides that the nationality is awarded to an individual based on the nationality of his/her parents. All Surinamese nationals shall be allowed access into Suriname, are free to travel and to reside within Suriname and shall be eligible for appointment to any public office without discrimination.

132. The ninth section of the Constitution is about the family; article 35 states inter alia:

- (a) The family is recognized and protected;
- (b) Husband and wife are equal before the law.

133. The fourth title of the Civil Code is about marriage. Article 78 of the Civil Code states: “The law considers marriage only in its civil relations.” Article 79 states: “The wife follows, during the marriage, the status of her husband.”

134. 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 marriages of immigrants. This is implied in the Asian Marriage Legislation. This legislation gives rules regarding marriages, procedures, divorces, etc. according to the Hindu religion and Islam. Currently there is a huge debate among several groups within the community regarding the adoption of a new general Marriage Act, encompassing the current acts and the Asian Marriage Legislation. Modification of the Asian Marriage Legislation is also under discussion. Several groups (religious, women’s, etc.) have expressed their opinion regarding the new marriage law in Suriname. There are pros and cons to the introduction of the new marriage law system. Since this issue is closely linked to religion, the Government is paying special attention to it.

(a) The issue at hand is difficult since this marriage system was introduced by the colonial power, the Dutch, as part of its divisive policy in the colony, to keep the different ethnic groups from joining hands against the colonial Power. However, giving immigrants the possibility to proceed with a marriage based on their customs and religion was highly appreciated by them. It is therefore not a simple matter for the Government to decide on this issue without 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 owing to the many protests by religious groups against several aspects of the Act. The discussions regarding this matter will continue. The average age of the couples that marry under this Act is 20. Citizens of non-Asian descent also have the opportunity to get married under this Act. To do so they will have to satisfy the general requirements of it.

(b) 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.

(c) In terms of a family formed by the permanent cohabitation of partners without formal marriage, the Civil Code 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.

(d) According to the 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.

(e) Marriages take place two weeks after the submission of an application to the registry office by the persons wishing to marry. This notification of marriage will be made publicly during 10 days by means of a poster on the wall of the registry office which will contain the personal information of the persons concerned.

(f) 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 for the marriage. Mutual consent must be given by both persons in the presence of the Civil Registrar and two witnesses.

(g) 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.

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

(i) A divorced spouse of either sex who is in financial need shall be entitled to maintenance if he or she becomes incapacitated.

(j) 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.

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

135. The eighth section of the Constitution states, in article 34 on the right to property, inter alia: "Property, both of the community and of private persons, shall fulfil a social function. Everyone has the right to the undisturbed enjoyment of his property, subject to the limitations which originated in the law." Article 639 of the Civil Code states the manner in which property is gained.

136. Titles XI and XII of the Civil Code state in articles 859-1031 the right to inherit.

137. Article 18 of the Constitution states that everyone has the right to freedom of religion and philosophy of life. In Suriname there are various religions, e.g. Islam, Hinduism, Christianity and Judaism. 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. Programmes of the various religions are regularly broadcast by the many TV and radio stations. A radio station that is managed by a religious group has recently been set up. Apart from the radio station there has also been an application for setting up a Christian TV station.

138. 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 these celebrations. Looking at the largest religious groups (depending on the number) the main religions are: Islam, Hinduism and Christianity. The Government has officially recognized several religious days as national holidays of the State, thereby indicating its respect for the diverse religions in Suriname.

139. 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 articles 194 and 195 of the Penal Code.

140. In the framework of the free exercise of their religion by the various ethnic groups with which the Republic of Suriname is enriched, it is worth pointing out that the Jewish synagogue and the mosque of an Islamic group are next to each other in one of the main streets of Suriname's capital city Paramaribo.

141. Pursuant to article 19 of the Constitution, everyone 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 citizen's right is not infringed. In Suriname there are several media through which citizens can express their opinions. This can be by means of letters to the editors of newspapers and discussion programmes through radio and TV.

142. In the period of the military regime, from 1980 to 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.

143. 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 input.

144. In the State of Suriname 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 was considered very good.

145. It must be noted that the President of the Republic of Suriname has mentioned on several occasions that one of the cornerstones 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.

146. Political meetings may be held freely, without restrictions. Broadcasts through the media are uncensored. Foreign journalists have access to information about the country. There is no restriction. Foreign newspapers and magazines, mostly from the Netherlands and the United States, are sold in Suriname.

147. The Government is of the opinion that a good training centre for journalists should get the necessary support, since this would no doubt contribute to the enhancement of the quality of both the work of those in the media and the ethics of the profession.

148. If media institutions violate the provisions of their licence, 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.

149. The law can establish restrictions on these freedoms in the interests of public order, morals and health. 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.

150. Important articles in this regard are articles 20 and 21 of the Constitution of Suriname. 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". Article 21 states that "the right of peaceful demonstration is recognized".

151. This means that no one can be prohibited from publicly manifesting 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. This provision is in complete compliance with the general accepted norms and principles of international law regarding this issue. In practice, however, the authorities tend to be very lenient towards peaceful demonstrations without a permit.

152. 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.

153. Furthermore Suriname has also ratified 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 it would 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. By acting as such, the Government in no way restricts the right of groups to make use of article 33 of the Constitution.

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

155. Economic, social and cultural rights are codified in chapter VI of the Constitution and in the law of December 1963 in establishing the provisions with regard to labour (G.B. 1963 No. 163) and after modification by S.B. 1980 No. 116, S.B. 1983 No. 91.

156. Article 26 of the Constitution states:

- (i) Everyone has the right to work, in accordance with his capacities;
- (ii) The duty to work is inseparably linked to the right to work;
- (iii) Everyone has the right of free choice of profession and work, except for regulations imposed by law;
- (iv) Everyone has the right of initiative for economic production.

157. The fifth section of the Constitution is about the freedom of trade unions and the sixth section is about the rights of trade unions and collective agreements. Article 30 states, inter alia: Employees are free to establish trade unions to protect their rights and interest.

158. Article 31. The trade unions shall have the power to defend the rights and interests of the employees they represent and for whom they assume responsibility.

159. Article 49 of the Constitution. A housing plan shall be determined by law, aimed at the provision of a sufficient number of affordable houses and State control on the use of real estate for public housing. The “Volkshuisvesting” foundation is the institution which allocates houses to the middle class and the financially weak. The Department of Social Affairs and Housing is in charge of building houses for those who cannot afford to build a house of their own. Currently this department has social housing projects under its supervision.

160. The tenth section of the Constitution about health and article 36 states:

- (i) Everyone has the right to health;
- (ii) The State shall promote general health care by a systematic improvement of living and working conditions and shall give information on the protection of health.

161. Article 48 (2). The State shall supervise the production and availability of and the trade in chemical, biological, pharmaceutical and other products intended for consumption, medical treatment and diagnosis. In this respect the State instituted a special foundation in charge of the supervision of the production and import of chemicals and pharmaceutical products. The foundation is called *Bedrijf Geneesmiddelen voorziening Suriname*.

162. Article 50. The policy in relation to social security for widows, orphans, the aged, the disabled and incapacitated workers shall be laid down by law.

163. Article 51. The State shall take care to make the services of legal aid institutions accessible to those seeking justice. In the Republic of Suriname there is a general health insurance foundation (*Stichting Staats Ziekenfonds*), which is available to all people working for the Government. For the private sector there is voluntary health insurance. For the financially weak, the Government of Suriname, i.e. the Ministry of Social Affairs and Housing, is contributing to the payment of health care. In this respect the State created a special foundation, Foundation of Regional Health Care (*Stichting Regionale Gezondheidsdienst*). This Foundation provides health services to individuals with an indigence card issued by the Department of Social Affairs and Housing.

164. Article 38 of the Constitution states that: Everyone has the right to education and cultural expression. Education shall be free, subject to State supervision of all public educational institutions, in order that the national education policy and the educational standards laid down by the State shall be observed.

165. Article 39. The State recognizes and guarantees the right of all citizens to education and shall offer equal access to education to all. In the execution of its education policy the State shall be obliged:

- (i) To guarantee compulsory and free elementary education;
- (ii) To guarantee sustainable education and to eradicate illiteracy. (Law of September 1960 regarding Elementary Education in Suriname).

166. One of the main provisions in this law is that parents or guardians are obliged to send children to school. The compulsory age is from 7 to 12 years.



167. The Department of Education and Development is preparing the introduction of a basic life skills programme in which elements of healthy family lifestyles, HIV/AIDS and human rights will be incorporated. At present the Ministry is working on two tracks:

- (i) A textbook is being developed for teacher training colleges. The staff of the Ministry and all other relevant stakeholders have already been trained;
- (ii) A working group has been installed to develop a curriculum for primary education on the basis of experience; curriculum will be developed in a later stage for the secondary level.

168. The aim of this programme 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 following themes: managing the environment, emotions and social skills, eating and fitness, human sexuality, and healthier lifestyles and living environment.

169. Article 38 (5). The State shall promote the democratization of culture by promoting the enjoyment of culture and cultural creativeness, and by guaranteeing accessibility to those cultural creations to all citizens by means of cultural and recreational organizations, information media and other suitable channels.

170. In the Republic of Suriname everyone has the right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks.

### **G. Article 6**

171. Article 10 of the Constitution safeguards that everyone, 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.

172. 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. The authorities in Suriname nearly always enforce the judgement 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.

173. If one does not agree with the decision of the judge in the first instance, or after having 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.

174. Furthermore it may be said that the guarantees, as included in articles 10, 11 and 16, paragraph 2, of the Constitution, are in effect. Article 12 of the Constitution guarantees that everyone 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.

175. Separate statutory regulations contain provisions regulating the ways for individuals who are financially incapable of paying the costs of legal assistance.

176. 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.).

177. 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 by one lawyer and four law students who will be graduating shortly (a few months). These five 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 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 services from the Unit/Section.

178. 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.

179. Article 16 paragraph 1 of the Constitution reads:

“Everyone has the right to personal freedom and safety.”

Paragraph 2: “No one shall be deprived of his freedom on grounds and in accordance with procedures as laid down in the law.”

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

180. 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.

181. At present, 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. 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.

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

183. Draft legislation is currently under discussion within the Government. This draft legislation of Suriname involves the total restructuring of the judiciary. The draft act aims at a structural improvement of the judiciary. An increase in the number of judges and two additional courts among which a special court of human rights, are the main objectives of this draft legislation.

184. 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 much commotion within the community.

185. Article 11 of the Constitution: Nobody can be kept away against his will from the judge the law has assigned to him.

186. 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 choice of profession and type of work. At the same time it prohibits hindrance in the performance of work or profession on the ground of sex.

187. 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.

188. 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.

189. 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 service to the community.

190. The Department of Social Affairs and Housing deals among others with children's matters. In this respect this Department works in close cooperation with several NGOs in the community as well as with international organizations. For example, the Convention on the Rights of the Child has been published several times to increase the awareness of these rights among citizens of Suriname.

191. 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 e.g. 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.

192. In S.B. 1984 No. 35, further rules on this subject were promulgated.

193. Until recently, because of lengthy bureaucratic procedures and 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. Payment to the lawyers was also adjusted. The State has stated more than once that, seeing the high fees paid within the legal profession, it should not be considered capable, e.g. that it should not be expected of the State to be able to equal these fees. The Government is of the opinion, however, that a reasonable payment for services rendered to the financially weak should be given, hence the adjustments that were introduced.

194. 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.

195. 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.

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

197. 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 criminal proceedings, so that cases can be brought before the court faster.

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

199. Articles 1-4 of the Civil Code deal with the enjoyment and loss of civil rights. Article 2 states that everyone 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.

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

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

202. The fundamental human rights of an individual are safeguarded in articles 8-23 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, are acknowledged in article 17 of the Constitution.

203. No one's place of abode shall be entered other 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 cases described by law.

204. Articles 175 and 175 (a) of the Criminal Code indicate the following:

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 Sf. 1,000.

205. Article 175 (a): 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 Sf. 2,000.

206. Suriname has a multiracial population with a plurality of religions. Peaceful coexistence 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 the above-mentioned articles 175 and 175 (a).

207. 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 in Trinidad and Tobago show the necessity of this provision in the best interest of the population.

#### **H. Article 7**

208. The general policy of the Government is aimed at measures to combat prejudice which leads to racial discrimination. The policy in the fields of education, culture and information aims to increase the acceptance of different cultures and customs among the population. It is not uncommon to have students from different religions attending a Roman Catholic school or a school run by a Hindu or Islamic organization. With this policy the Government wishes to promote understanding, tolerance and friendship among the different cultures in the State. This will serve as a good basis to establish equal relations of understanding, respect and friendship with people of other nations. The principles and norms as codified in several universal instruments are adopted by the Government of the Republic of Suriname.

## I. Closing remarks

209. 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.

210. The Department of Internal Affairs established a special Commission to review the national laws to determine if they create 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. It is currently under discussion in the Council of Ministers.

211. Owing to the efforts of this Department, in 2002 Suriname acceded to the Belém do Pará 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 is trying to remove possible inequality between individuals based on their sex.

212. The population of Suriname consists of various ethnic groups who continue to speak their language, enjoy the culture of their native countries and are permitted to do so freely. As mentioned earlier (see Part I on general information on the State) the Republic of Suriname is the world in miniature, consisting of Hindus 35 per cent, Creoles 33 per cent, Javanese 10 per cent, bush Negroes (Maroons) 10 per cent, Chinese 2 per cent, and Amerindians 3 per cent. The rest consists of Caucasians, Lebanese, Syrians and people of mixed race.

213. Suriname is a multicultural and multilingual society, a fact of which the State is very proud. Its 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 preconditions for solidarity. The policy is among other things to maintain records 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, strengthening Suriname's cultural identity.

### **III. CONCLUSION**

214. The Government of the Republic of Suriname, believing in the basic human rights of any individual, and condemning racial discrimination, tried to comply with its obligations as stated in article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination, 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 above-mentioned Convention. However, taking into account the efforts of the State to comply in good faith with the obligation set forth in article 9 of the said Convention, it will, if requested, be more than willing to supply in writing or orally any additional information with regard to the human rights situation, in particular racial discrimination, in the State.

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