

SURINAME MISSION REPORT

“In the Face of Adversity Keep Silent”

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28 May 2012 – 15 July 2012

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INTRODUCTION

Migration has been a defining feature of the Caribbean since colonization. Slavery, indentureship and the mass movement of people in the region can be traced back to the forced migration of the slave trade of the seventeenth to nineteenth centuries. In the last fifty years however, the Caribbean has become home to one of the largest diaspora communities in the world, in proportion to its population.

State protection of labor markets and national identity has significantly impacted on the number of undocumented migrants in the Caribbean. Their vulnerable socio-economic situation and restricted access to opportunities in the country of origin are the main driving force behind their migration through the Caribbean region.

The risks faced by modern-day irregular migrants in the Caribbean, notwithstanding the journey itself, are many but once they reach their country of destination they live in constant fear of deportation. Living without legal status hinders their access to education, healthcare and housing. This lack of legal status can also exacerbate vulnerability in the informal employment sector leaving irregular migrants susceptible to various form of abuse by their employers and no support from trade unions or the wider community.

Many Caribbean countries view undocumented migration as an intolerable strain on their social structures and environment. It is in this spirit that some of the receiving countries in the Caribbean region seek to prevent the permanent establishment of immigrant communities. As a result, much of the discussions surrounding undocumented migration concern the question of legal status and access to both residency and citizenship; issues that greatly affect the Haitian diaspora in the Caribbean region¹.

For decades, people have fled Haiti, due to political persecution and economic hardship. Many migrated to or sought refuge in North America and Europe, but the vast majority crossed the border into the Dominican Republic seeking better opportunities. Most of them work on sugar plantations or in other agricultural. While almost all live in conditions of extreme poverty, a great number are undocumented or stateless individuals. Though the Haitian population in the Dominican Republic remains the largest component of Haiti's Caribbean diaspora², Haitians have also migrated in significant numbers to several other Caribbean countries.

¹ Haitians in the Dominican Republic, Amnesty International Report, 2007

² The number of Haitians currently living in the Dominican Republic is estimated at somewhere between 500,000 and 1,000,000; accurate official figures are not available (The UN Development Programme's National Report on Human Development Dominican Republic 2005)

As with the Dominican Republic, the nature of undocumented migration in other countries in the Caribbean makes it difficult to establish precise statistics, but it is thought that there are around 40,000–50,000 Haitians or Haitian-descended people in the Bahamas; 30,000–40,000 in Guyana; 15,000 in Guadeloupe, 15,000 in St Martin; 10,000 in the TCI and 5,000 in Martinique. A further 1,000 are thought to live in Jamaica; 1,000 in Venezuela and 500 in Cuba, and now a reported 5000 in Suriname³. None of these migrant populations have attracted the level of international attention of those in the Dominican Republic, but each faces its own challenges ranging from discrimination to marginalization and legal status problems.

As an under-populated country, Suriname has a long standing tradition of welcoming migrant communities. Its population is made up of several distinct ethnic groups such as the Amerindians, the original inhabitants of Suriname (3.7% of the population), the Hindustani (37% of the population), the Surinamese Creoles (31% of the population), the Javanese (15% of the population) and the Surinamese Maroons (descendants of escaped West African slaves which make up 10% of the population). This tradition lies at the very core of its national identity as one of the most ethnically diverse country in the world though very little research has been conducted on migrant and mobile populations in Suriname.

In the past 30 years however, Suriname, just like its neighbors in the Caribbean, has become a recipient country for newer waves of migrants attracted by the relative ease of Suriname's border crossing, the perception that the population is more accepting of migrants, better wages in the agricultural sector and the prospect of 'finding fortune' in the Suriname gold mines, an industry which until recently remained unregulated.

Situated between Guyana, French Guiana and Brazil, and with an agricultural sector that remains the life blood of the country's economy, it is perhaps not surprising that a Haitian diaspora can be found on its territory. However, despite the fact that the Haitian community has only just celebrated its 35 years on the Surinamese territory, Haitians have remained invisible to the wider community.

³ Migration in the Caribbean, Minority Rights Group, 2006

MISSION OBJECTIVES

UNHCR is taking a three-pronged approach to the issue of statelessness in the Caribbean: (1) advocate and mobilize political support in order to influence governments to enact positive policy, legislative and administrative changes and encourage ratification of the Statelessness Conventions; (2) provide technical support and capacity building to Governments and NGOs working on statelessness issues in the Region; and (3) providing legal/social services to affected populations through provision of projects related to providing documentation, legal support, and establishing guides on law and practice for the benefit of the population.

Moreover, UNHCR hopes to effect change in the Caribbean through a regional collaborative approach to address thematic issues related to mixed migration revolving around protection-sensitive entry systems, adequate screening, differentiated processes and procedures, expedited assisted voluntary repatriation, sharing statistical information, alternative to detention, national Red Cross societies' involvement, and durable solutions.

In this regard, UNHCR has extended its strategic focus to Suriname where individuals of Haitian ancestry are reported to be currently living. The mission's objectives were identified as follow:

- Mapping of the Haitian and Cuban populations and screen protection needs with special attention to people at risk of statelessness.
- Check the legal status & rights of the group in Suriname, including whether birth registration taking place? What nationality is passed on to the children? Law and practice in Suriname governing nationality and naturalization.
- Explore the survival mechanism of the group.
- Liaise with civil society members/church organisations to obtain further information regarding this group.
- Establish contacts and conduct interviews with Haitian and Cuban community leaders and other members of the community
- Liaise with the Haitian Consulate to ascertain the consular services provided to Haitians in Suriname and shortcomings in those services, treatment of Haitians in Suriname.
- Explore if there is a screening mechanism put in place for new arrivals and what procedure is put in place to determine refugee status.
- Explore the prospects for local integration, including naturalization.

It has to be noted that despite the scoping exercise focus on both Haitians and Cuban populations, **no information was obtainable on a Cubans' presence in Suriname in the course of the consultant's field research.** This report will therefore solely focus on mapping the Haitian community living in Suriname and establishes the existence of potential barriers to the full and effective enjoyment of their civil, political, economic, social and cultural rights in Suriname.

METHODOLOGY

PRE-DEPARTURE PREPARATION

UNHCR Regional Office in Washington DC has no representation in Suriname. This was the first visit ever undertaken in Suriname on behalf of UNHCR. In preparation for this study, the consultant attended a one day briefing at the UNHCR regional Office in Washington DC on the 29th of May 2012, where the mission's terms of reference were discussed.

In addition to this, the consultant was tasked to establish contacts with the Government of Suriname (GoS) to input into this mapping exercise as well as complete the UNHCR Protection of Mixed Migrant Populations in Suriname Survey with the relevant governmental entity in order to support UNHCR's 10 Points Action Plan on Refugee Protection.

Country of Origin Information was also made available to the consultant prior to her departure to Suriname as well as a provisional list of potential contacts. Guidance and support from UNHCR were made available to the consultant (through weekly phone updates and emails) while all administrative matters were handled by ICMC Geneva.

STRATEGY ADOPTED IN THE FIELD

The consultant was deployed to Paramaribo, Suriname, from the 31th of May 2012 to the 5th of July 2012. The approach adopted to conduct this study was **multi-dimensional and inter-disciplinary**:

- **Targeting Civil Society** through active networking which allowed the consultant to set-up a series of meetings with key actors of civil society in Suriname.
- **Targeting the Haitian Community** through a series of focus groups and individual interviews with various Haitians associations, the Haitian churches network, Haitian students, and regular, irregular and naturalized Haitian migrants.
- **Targeting the Suriname Government** through meetings with key ministries.

Meetings with the following counterparts in Paramaribo took place during the field mission:

| | |
|---|----------|
| Suriname Red Cross | NGO |
| Salvation Army | NGO |
| Foundation Pro-Health | NGO |
| Suriname Ngo for Capacity Strengthening | NGO |
| Cultural Centre of Suriname | NGO |
| Institute of Social Science Research, Antom de Kom University | Academic |
| National Bureau of Statistics | NGO |
| Stichting SUCET | NGO |
| Margo Waterval, Human Rights Lawyer, Law Faculty, Antom de Kom University | Academic |
| Stichting Projecta | NGO |

| | |
|--|-----|
| Stichting Stop Geweld Tegen Vrouwen (Foundation Stop Violence Against Women) | NGO |
|--|-----|

| | |
|--|----------------|
| Stichting Rachab | NGO |
| Shurman Law Firm | Private Sector |
| Coster Law Firm | Private Sector |
| SBBS (Banana Corporation) | Private Sector |
| Haiti Honorary Consul to Suriname | Diplomatic |
| US Embassy | Diplomatic |
| Brazilian Embassy | Diplomatic |
| Guyana Embassy | Diplomatic |
| French Embassy | Diplomatic |
| EU Mission to Suriname | Diplomatic |
| UNDP | UN |
| One UN | UN |
| PAHO/WHO | UN |
| UNFPA | UN |
| UNDP Small Grant | UN |
| Lavalas Comite | Stakeholder |
| Association Culturelle des Haïtiens du Suriname (ACHS) | Stakeholder |
| Ministry of Foreign Affairs | Government |
| Ministry of Defense | Government |
| Ministry of Education | Government |
| Ministry of Health | Government |
| Ministry of Justice and Police | Government |
| Chief of National Police | Government |
| Head of Disaster Prevention Unit | Government |
| Ministry of Social Affairs | Government |
| Anti-Trafficking Task Force | Government |
| OPADOELI | Government |

TOOLS

In addition to conducting desk research, the consultant devised a series of tools to collect information from various stakeholders:

- a questionnaire was devised specifically for civil society groups.
- a questionnaire was devised specifically to conduct focus groups with Haitians.
- a survey was devised for Haitian students.
- The UNHCR Protection of Mixed Migrant Populations in Suriname Survey was used as guidance during various contacts with the Suriname government. Only the Ministry of Police and Justice responded to this survey.

Moreover, the following Surinamese media outlets were important in gaining up-to-date, impartial and reliable information:

- De Ware Tijd and De Ware Tijd Online: <http://www.dwtonline.com/>
- Starbroek: <http://www.stabroeknews.com>
- Starnieuws Suriname: <http://www.starnieuws.com>
- The Times of Suriname: www.surinametimes.com

RESEARCH METHODOLOGY

Empirical data was not available through desk research or through interviews conducted with both the GoS and civil society. The consultant however conducted research amongst the Haitian community through one to one interviews, surveys, field visits and focus groups. All information gathered, although anecdotal, is believed to provide a reliable indication of issues affecting the Haitian community.

The consultant devised a survey which was used during focus groups as well as a questionnaire which was sent out to Haitian students at the Anton De Kom University. Furthermore, a special survey was devised to conduct a focus group amongst the pastors of the various Haitians churches present in Suriname as well as the various Haitians associations operating in and outside of Paramaribo.

One-to-one interviews were conducted with Mr Michiel Vervuurt, former Haiti Honorary Consul in Suriname and Miss Marie Exantus, former sociology student of Haitian descent at Anton de Kom University who conducted field research amongst Haitians working in the Suriname agricultural sector.

It should be noted that research procedures attempted to adhere to professional ethical standards. Prior to conducting an interview, the interviewee was approached in an unobtrusive manner. The consultant introduced herself and UNHCR's mission in Suriname, and explained the purpose of the research. It was also explained to the interviewee that participation in the research was voluntary and anonymous. Names of study participants have not been recorded. The answers have been processed using a system that guarantees respondent anonymity. Information provided by respondents was treated confidentially and is not revealed in a way that can be linked to their person. Data has been presented in an aggregated manner.

Interpreting services from Haitian Patois to English were provided by Miss Jeanne Maître, a Haitian national residing in Suriname who has recently graduated from a BA in Sociology and whom the consultant identified at the Institute for Social Science Research (IMWO) at Anton de Kom University of Suriname.

Transportation in Paramaribo city and to the various districts outside Paramaribo was provided by a reliable Surinamese taxi driver hired by the consultant for the duration of her stay in Suriname.

In the absence of an office space to work from, the consultant used the office facilities available at the Royal Torarica Hotel. The hotel offered a special rate to UN staff and consultants and has a

business center that offered reliable and secure internet connection and free access to printers and scanners.

Focus groups took place in Paramaribo as well as the districts of Saramacca and Wanika, 1 to 2 hours' drive from Paramaribo. The exercise included targeting communities that were both settled in Suriname since the 1980's as well as more recently arrived ones. To ensure the sample was representative, discussions took place with communities that were economically thriving as well as more vulnerable ones.

Due to the pressing work schedule of the Haitians met, focus groups were conducted mostly on Saturdays and Sundays after church service and before the communities returned to their work place. A focus group with irregular Haitian migrants took place on a week day, at night, to protect the identity of the individuals.

The consultant provided a regular update on the progress of her mission in the field to the team in DC by submitting a weekly 'Progress Report' at the end of each working week. 4 reports were thus submitted in the course of this field mission.

SAMPLE DATA

- **6 focus groups** were conducted in Paramaribo and the districts of Saramacca and Wanika.
- **1** focus group was conducted with the pastors of Haitians churches.
- **a field day** was conducted at **Paramaribo market** amongst female Haitian market vendors.
- **a field day** was conducted at **Jarikaba Banana Plantation** in Saramacca, the main employer of Haitians in the agricultural sector.
- **a survey** was launched amongst **Haitian youth**.
- **an interview** was conducted with the **Lavalas Committee**.
- **an interview** was conducted with the **Organisation Culturelle des Haitiens du Suriname**.
- **2 interviews** were conducted with Mr Michiel Rafeenberg, **former Haiti Honorary Consul in Suriname**.
- **an interview** was conducted with Miss Marie Exantus, **former sociology student** of Haitian descent who researched Haitians in the agricultural sector in Suriname.

A total of **191 Haitians** nationals and Surinamese of Haitian descent⁴ were interviewed during the field research.

- **65%** of the respondents were **female** and **35%** were **male**.
- **55%** of the respondents were married and **45%** were **single**.
- **60%** of the respondents resided in **Saramacca**, **30%** in **Paramaribo** and **10%** in **Wanika**.
- **27%** of the respondents were aged between **25 -35**; **25%** between **18-25**; **20%** between **45-55**; **15%** aged between **35-45** and **13%** was aged **55** and above.
- **70%** of the respondents held **Haitian nationality** while **30%** held **Surinamese nationality** (either through naturalization or birth on the territory).

⁴ The term Surinamese of Haitian descent will be used to describe individuals born in Suriname whose parents are Haitians.

- **51%** of the respondents arrived between **2000 and 2012** (with a peak arrival in 2009, 2010 and 2011), **30%** of the respondents arrived between **1989 and 1989**, **15%** arrived between **1990 and 1990**, **4%** arrived between **1970 and 1977**.
- **55%** work in the agricultural sector as **laborers**, **25%** run **small-scale businesses** such as market vendors, **13%** are **students** whilst **7%** held various professions such as taxi drivers and mechanics.

DATA ACCESS

One of the major constraints identified in the undertaking of this mission was the lack of available and reliable data, a concern strongly reflected by civil society in Suriname. This seems partly due to the traditional working of the previous government which did not view the institutionalization of monitoring and evaluation systems as both a necessity and a priority. Some ministries seem to conduct a range of limited M&E activities. But these seemed to be uncoordinated, with the result that a single ministry can possess several such systems, each with their own data definitions, data sources and quality assurance mechanisms (if any).

Moreover, the obstacle to data collection and data sharing in Suriname seems also to be attributed to what was described by civil society groups as a ‘fear of sharing information’ syndrome. The national security and immigration ministries are reported to be extremely protective of their information, which can present a real obstacle to civil society groups trying to work in a coordinated approach with the government. This was indeed proven during the consultant’s meetings with both ministries who declined to share data concerning migrant populations in Suriname, both documented and irregular.

Furthermore, the National Bureau of Statistics in Paramaribo also draws on the data produced by sector ministries (though they also add to the supply of information through, for example, household surveys, industry surveys and population censuses) to the extent its migration data limited.

LITERATURE REVIEW

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GLOSSARY

Documented migrant (migrant in a regular situation): migrant or members of their family authorized to enter, stay in a country other than their country of origin.

Expulsion: an expulsion order will be given if the individual either entered a state illegally or is no longer authorized to remain in a state. The expulsion is carried out through deportation. Deportation may occur without lawful grounds and be carried out by forcibly displacing people across a national border.

Irregular migrant: Someone who does not have legal permission to remain in a country.

Migrant: Throughout this report the term ‘migrants’ refers to both regular and irregular migrants including individuals who have entered a state of which they are not a national, in breach of the immigration laws of that state.

Migrant worker: A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national” (Art. 2(1) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families)

Stateless person: A person who is not considered as a national by any state under the operation of its law.

Undocumented migrant (migrant in an irregular situation): Someone who does not have the documentation required to enter or stay in a country lawfully. This however can also refer to an individual who has entered the country lawfully but lacks formal documentation.

Mobile populations: Lawful residents of Suriname migrating within the borders of Suriname.

GoS: Government of Suriname

SBBS: Stichting Behoud Banana Sector (Foundation for the Conservation of the Banana Sector)

ZSF: Staatsziekenfonds Suriname (State Health Insurance of Suriname)

I – SURINAME PRESENTATION

Suriname, officially the Republic of Suriname, is a country in northern South America. It borders French Guiana to the east, Guyana to the west, Brazil to the south, and the Atlantic Ocean to the north. At just under 165,000 km² (64,000 sq mi) Suriname is the smallest sovereign state in South America (French Guiana comprises less territory, but is part of the French territory).

It has an estimated population of 560,157 inhabitants⁵, most of whom live on the country's north coast, where the capital Paramaribo is located. Suriname is divided into ten districts: Brokopondo, Commewijne, Coronie, Marowijne, Nickerie, Para, Paramaribo, Saramacca, Sipaliwini, Wanica.



⁵ CIA World Factbook, Suriname, Last Updated on 20 June 2012.

Paramaribo, the capital, reflects the country's ethnic and religious diversity. Suriname's rich cultural mosaic is the legacy of the Dutch plantation economy, which after the abolition of slavery brought many indentured workers from British India, Indonesia, and China. They joined the descendants of African slaves, a large Jewish community, a European and Middle Eastern business and professional élite and the remnants of the indigenous Arawak and Carib peoples. Islam, Hinduism and Christianity are part of that cultural mosaic. The majority of the Asian immigrants settled in the fertile farming area near the coast, while the African-descended Creoles tended to move into the cities. Black Surinamese inhabited the remote interior where their ancestors had escaped to from the Dutch sugar plantations.

Dutch is the sole official language and is the language of education, government, law, business and the media. Over 60 percent of the population speaks it as a mother tongue, and the rest speak it as a second language. In Paramaribo, Dutch is the main language in two-thirds of households. Only in the interior of Suriname is Dutch seldom used⁶.

Suriname is an electoral democracy. The 1987 constitution provides for a unicameral, 51-seat National Assembly, elected by proportional representation to five-year terms. This body elects the president to five-year terms with a two-thirds majority. If it is unable to do so, a United People's Assembly – consisting of lawmakers from the national, regional, and local levels – convenes to choose the president by a simple majority. The Court of Justice (Supreme Court) is the highest court in the land and supervises the magistrate courts. Members are appointed for life by the president in consultation with the National Assembly, the State Advisory Council and the National Order of Private Attorneys. The country is divided into 10 administrative districts, each headed by a district commissioner appointed by the president. The commissioner is appointed by the president.

First explored by the Spaniards in the 16th century and then settled by the English in the mid-17th century, Suriname became a Dutch colony in 1667. With the abolition of slavery in 1863, workers were brought in from India and Java. Independence from the Netherlands was granted in 1975. Five years later the civilian government was replaced by a military regime that soon declared a socialist republic. It continued to exert control through a succession of nominally civilian administrations until 1987, when international pressure finally forced a democratic election. In 1990, the military overthrew the civilian leadership, but a democratically elected government - a four-party coalition - returned to power in 1991. The coalition expanded to eight parties in 2005 and ruled until August 2010, when voters returned former military leader Desire Bouterse and his opposition coalition to power.

The economy is dominated by the mining industry, with exports of alumina, gold, and oil accounting for about 85% of exports and 25% of government revenues. Agriculture, especially the export of **rice** and **bananas** remains a strong component of the economy whilst ecotourism is providing new economic opportunities.

⁶ 'Sranan Tongo', a local creole language originally spoken by the creole population group, Surinamese Hindi or Sarnami, spoken by the descendants of South Asian contract workers from then British India, Javanese is used by the descendants of Javanese contract workers, the Maroon speak Sranan Tongo, Amerindian languages are spoken by Amerindians, Cantonese spoken by the descendants of the Chinese workers and mandarin is spoken by some few recent Chinese immigrants.

However pervasive corruption continues to undermine the judicial system and the rule of law, having a deleterious effect on investor confidence and economic freedom. Suriname's entrepreneurial environment remains constrained by an overburdened and inefficient regulatory framework, and private-sector growth has been hampered by the state's heavy presence in the economy⁷.

The Amnesty Law

The trial of Desi Bouterse and 24 others, before a military court, for having taken part in the 1982⁸ murders began in November 2007 and was supposed to resume on 13 April 2012, when the court was expected to decide on the implementation and the effect of the new amnesty law on the judicial process but just before this the National Assembly voted in favor of an amendment to Suriname's 1992 Amnesty law. After three days of debate at the National Assembly in Paramaribo, on 4 April, members of the National Assembly voted in favor of an amendment. The bill was signed by the Vice President, Robert Ameerali, on 6 April and became law the same day. Under the new amendment, the amnesty period now extends from April 1980 to August 1992, thereby covering the extrajudicial execution of 15 opposition figures in December 1982 when President Dési Bouterse was the country's ruler at the time.

According to Amnesty International, the new amnesty law denies the families of victims their right to justice, truth and reparation. It will also prevent any future investigations into complaints of crimes under international law and gross human rights violations committed between 1980 and 1992.

II – SURINAME LEGAL FRAMEWORK

Introduction

In order to fully comprehend the situation of migrants in Suriname it is important to set out in detail the legal framework that affects their rights and obligations.

The existing Surinamese legal framework on migration consists of regional law, bilateral treaty law, as well as national law. This section provides an overview of the relevant legal instruments applicable to migrant populations in Suriname. Suriname's national legal framework currently consists of:

- The Constitution of Suriname 1987 (Last amended in 1992)
- The 2005 Civil Code
- The 1910 Law establishing a Penal Code in Suriname
- The Aliens Act 1991 and Law of 16 January 1992 concerning the Admission and the Expulsion of Aliens

⁷ Index of Economic Freedom, Suriname, 2012

⁸ On 25 February 1980, 16 non-commissioned officers overthrew the elected government. The military-dominated government then suspended the constitution, dissolved the legislature, and formed a regime that ruled by decree. Although a civilian filled the post of president, a member of the military, Desi Bouterse, de facto ruled the country. Throughout 1982, pressure grew for a return to civilian rule. In response, the military ordered drastic action; the authorities arrested and killed 15 prominent opposition leaders, including journalists, lawyers, and trade union leaders.

- The Law on Nationality and Residence, State Ordinance of 24 November 1975 for the Regulation of the Surinamese Nationality and Residence in Suriname (last amended 1983)
- The Alien Work Permit Act 1981

Suriname is party to **two different regional treaties** providing free movement to citizens of contracting parties within member states. These provisions are incorporated in the national immigration legal framework. Furthermore, Suriname is committed to combating the forced movement of persons through trafficking and smuggling. These commitments are predominantly addressed through national criminal law provisions.

II-a NATIONAL IMMIGRATION LEGAL FRAMEWORK

Aliens Act 1991 and Law of 16 January 1992 concerning the Admission and the Expulsion of Aliens

The Surinamese national immigration legal framework is governed by the Aliens Act 1991 and Law of 16 January 1992 concerning the Admission and the Expulsion of Aliens.

With regards to stay permit and visa procedures, **Article 6 (4)** provides that ‘an alien can be granted a stay permit for the period granted by a transit visa, a transit visa including delay time and a multiple entry visa’.

For aliens not required to obtain a visa, a maximum stay permit of three months can be granted and to all other aliens a maximum of eight days can be granted. According to subsection 2(d) of Article 6, issuing the will depend on whether the alien poses a threat to national public health, while subsection 2(c) requires a guarantee certificate of sufficient means.

Pursuant to **Article 6 (2c)**, all aliens applying for a stay permit (except those from Surinamese origin and travelers with a visa waiver) need to include evidence of their ability to cover healthcare costs.

The **Articles 12 (c), 14 (d), 15 (1b) and 16 (3)** explicitly articulate that any type of stay permit can be revoked by the State on the grounds of public threats posed by the respective alien.

Article 19 (3); Article 20 (1) and Article 23 (2) provide for monitoring measures to be taken by national authorities in case of public health threats.

Article 19(3) authorizes the Minister to impose the duty on the respective alien to report him or herself periodically at the local law enforcement office.

Article 20(1) authorizes the limitation of free movement of the alien within the states territory.

Article 23(2) stipulates that the alien can be declared ‘persona non grata’.

The **Articles 40 and 41** of the Aliens Act provide penal provisions. Article 40 (1) concerns the unlawful residence in Suriname by a ‘persona non grata’ which is qualified as a criminal offence while subsection 2 qualifies the failure to comply with Article 19 (3) and Article 20 (1) as

misdemeanors. The criminal offence of Article 40 subsection 1 is threatened with an imprisonment of maximum 6 months while the misdemeanors of subsection 2 are threatened with a transactional detention of 6 months or a fine.

With regards to the development plan for the national law, according to the Ministry of Justice and Police⁹, the **Multi-Annual Development Plan 2006-2011** (referred to as MOP 2006-2011) is both a policy and a legal instrument. Under the chapter 'Migration and Free movement of Persons', the MOP 2006-2011 explained that 'forced by the effects of globalization, Suriname will make efforts towards regulating the migration of nationals of the regions such as CARICOM and nationals of neighboring countries'.

The regulating process will take place in compliance with the law and international conventions and the responsible line ministries of government will be the Ministry of Labor, Technology Development and Environment, the Ministry of Foreign Affairs and the Ministry of Transport Communication and Tourism. To optimize human migration, the government expressed its intention to continue to regulate migration to and from Suriname by (among other interventions) the revision of Suriname's visa policy'. As of June 2012, the draft of the MOP 2012-2016 was available, but did not yet enter into force as a legal instrument.

The Case of Refugees and Asylum Seekers

Though Suriname is signatory of both the 1951 Convention Related to the Status of Refugees and its 1967 Protocol (29 November 1978), **the country has never adopted national enactment legislation.** The consultant was advised by legal experts that Suriname, as a monist legal system, does not require that provisions of international law apply only following enactment of primary legislation. Notwithstanding this, the Ministry of Justice and Police has explained that '*traditionally, Suriname has never faced a situation where an influx of asylum seekers and refugees were found on its territory and has thus never felt the need to develop and promulgate such a legal framework*'¹⁰.

The protection safeguards of refugees and asylum-seekers are set out in Articles 8, 16, 17 and 24 of the Alien Act of 1991. **Article 8** states that officers in charge of frontier control shall not (save on special instructions of the Minister) refuse entry to Suriname to aliens claiming that, as a consequence of such refusal, they would be forced to proceed to a country where they have well-rounded reasons to fear persecution on account of their religious or political persuasion, or their nationality, or their belonging to a certain race or a certain social group.

Article 16 (1) stipulates that 'aliens coming from a country in which they have well-rounded reasons to fear persecution on account of their religious or political persuasion, or their nationality, or their belonging to a certain race or a certain social group in their country of origin, may be admitted as refugees and granted a residence permit in conformity with article 10'.

Article 16 (2) stipulates that entry can only be refused for weighty considerations should the individual pose a threat to national security and (3) states that the permit may be withdrawn, if as a

⁹ Improving Access to HIV Services for Mobile and Migrant Populations in the Caribbean, Suriname Country Report, PANCAP, March 2012

¹⁰ Interview conducted with the Head of Alien Affairs at the Ministry of Justice and Police.

result of changed circumstances, the alien has the opportunity of taking up residence outside Suriname without risk of persecution, unless he has compelling reasons arising out of earlier persecution, not to take that opportunity. Finally **Article 16 (4)**, ensures that in 'the interest of foreign relations, the Ministry charged with foreign affairs may be consulted before a decision is taken by virtue of this article.

Interestingly, **Article 17** stipulates that if 'an alien who is not a refugee in the sense of article 16 (1), does not qualify for the issuance of a residence permit in application of the provisions of, or by virtue of this law, he may nonetheless be granted such permit provided he cannot in the light of the social and political situation in his country of origin and his personal circumstances reasonably be required to return to that country'.

Article 24 addresses the issue of non-refoulement and states 'that if the removal of an individual would force them to proceed forthwith to a country where they have well-founded reasons to fear persecution on account of their religious or political persuasion, or their nationality, or their belonging to a certain race or a certain social group, shall not be expelled save on instruction of the Minister'.

According to the Ministry of Justice and Police, Suriname has only granted refugee status to 1 person, from Sierra Leone. In this instance, the 'refugee status determination' process was conducted by the Head of Alien Affairs and resulted in the granting of a temporary stay permit of 2 years, renewable every 2 years.

The Case of the 'Unlawful and Undocumented Resident'

According to the Alien Act 1991, non-nationals who reside in Suriname without having obtained a stay or work permit are categorized as 'unlawful residents'. This category of persons is not entitled to 'the right to free movement within the Surinamese territory'.

Between 2007 and 2009, the GoS, through the Ministry of Justice and Police, in an act of good will, decided to proceed with the first instance registration of all irregular migrants residing in Suriname irrespective of their country of origin and manner of stay on the territory. Guarantees were provided by the GoS that no deportation would take place during this first instance registration exercise¹¹. While one of the outcomes of the registration showed that an estimated thirty to forty thousand irregular immigrants resided in Suriname, only 17,000 individuals came forward and were granted a temporary 2 year stay-permit subject to renewal. It is believed that irregular migrants were too fearful to make themselves known to the authorities.

More up-to-date data related to the number of both regular and irregular migrants residing in Suriname was impossible to obtain from the Ministry of Police and Justice. According to both the Brazilian and Guyanese Embassies in Paramaribo, the GoS recently published a figure of '**34,000 legal aliens**' currently residing on its territory. This figure is very much disputed by most Embassies.

¹¹ According to the Head of Alien Affairs at the Ministry of Justice and Police during our interview, 0 deportations took place during the registration exercise.

Work Permit Aliens Act 1981

Article 6 stipulates that no work permit will be issued to aliens in absence of a valid stay permit. Neither shall a stay permit applicant who has been declared 'persona non grata' such as someone convicted of a serious criminal offense be issued a work permit.

Law on Nationality and Residence, State Ordinance of 24 November 1975 for the Regulation of the Surinamese Nationality and Residence in Suriname (last amended 1983)

The law on nationality will be analyzed in more details later in the body of this work. It is however noted that according to Article 5, a child born in Suriname from a father or mother who resides in Suriname shall become a Surinamese national when he reaches the age of 18 years, if during an immediately preceding period of three years, the child's residence or main place of abode was in Suriname.

With regards to the acquisition or deprivation of Surinamese nationality, Article 10 states the legitimate or legitimized child of a father who has become a naturalized Surinamese national and who was born before such naturalization, and also any acknowledged natural child born before such a naturalization, shall be deemed naturalized as well. The same applies to the legitimate, legitimized or acknowledged natural child if the mother is naturalized after the father of the child has died, as well as for the natural child who is born before the mother is naturalized.

Article 11 stipulates that the Loss of Surinamese Nationality takes place (2) through naturalization in another country or, insofar as this concerns a minor, through participation in another nationality through naturalization in another country, either by the father or by the mother according to the distinctions made in (a) and (c), or Article 7. The same applies to the legitimate, legitimized, acknowledged, natural or adopted minor child if the mother is naturalized in another country after the death of the child's father; through acquisition of another nationality by will of the acquirer.

II-b TREATY LAW**RATIFICATION OF INTERNATIONAL HUMAN RIGHTS TREATIES**

Suriname has **acceded** to the following international legal instruments:

- International Covenant on Economic, Social and Cultural Rights
- International Covenant on Civil and Political Rights
- Optional Protocol to the International Covenant on Civil and Political Rights
- Convention on the Elimination of All Forms of Discrimination against Women

Moreover, Suriname has **succeeded** to the following international legal instruments:

- International Convention on the Elimination of All Forms of Racial Discrimination
- Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
- Convention relating to the Status of Refugees and its Protocol Relating to the Status of Refugees

Furthermore, Suriname has **ratified** the following international legal instruments:

- Convention on the Rights of the Child
- Freedom of Association and Protection of the Right to Organise Convention

- Right to Organise and Collective Bargaining Convention
- Convention concerning Forced or Compulsory Labour
- Abolition of Forced Labour Convention
- Discrimination (Employment and Occupation) Convention

CARICOM¹² RELATED TREATY LAW

The revised 'Treaty of Chaguaramas' establishing the Caribbean Community and CARICOM Single Market 2001 is a sub-regional treaty within the America's region which was originally signed on July 4, 1973. Suriname ratified the treaty in 1995.

Article 17 provides for a Council for Human and Social Development (COHSOD) of the CARICOM. Subsection 2(a) mandates COHSOD to promote the improvement of health, including the development and organization of efficient and affordable health services in the Community.

Article 35 relates to the acceptance of diplomas, certificates and other evidence of qualifications. Subsection 3 mandates COHSOD to establish measures for the co-ordination of legislative and administrative requirements of the Member States for the participation of Community nationals in employment and for the conduct of non-wage-earning activities in the Community.

Article 36 relates to the 'Prohibition of imposing New Restrictions on the Provision of Services by non-national CARICOM nationals.' In particular, subsection 1 prescribes that 'The Member States shall not introduce any new restrictions on the provision of services in the Community by nationals of other Member States except as otherwise provided in this Treaty'.

Article 37 relates to positive obligation on member states to remove restrictions on the provision of services by non-national CARICOM nationals. In particular subsection 1 prescribes that 'Subject to the provisions of this Treaty Member States shall abolish discriminatory restrictions on the provision of services within the Community in respect of Community nationals.'

Article 45 provides for free movement of community nationals. In this light this article reiterates that 'Member States commit themselves to the goal of free movement of their nationals within the Community.'

Article 47 provides for the free movement of skilled community nationals. Subsection 2 (b) imposes the positive obligation on member states to provide for movement of Community nationals into and within their jurisdictions without harassment or the imposition of impediments, including the elimination of the requirement for work permits for Community nationals seeking approved employment in their jurisdictions and the harmonization and transferability of social security benefits.

Article 75 relates to the development of social infrastructure. In this light the subsection 1 of the article articulates that in establishing its industrial policy, the Community shall promote appropriate

¹² CARICOM and Haiti have signed MOU on 14 February 2012. Among the areas agreed upon are: capacity building in government agencies for investment; technical assistance in education, agriculture, public health, transportation, tourism among others and youth exchange initiatives.

measures for the establishment of adequate social infrastructure, the alleviation of poverty, and securing social stability in the Member States.

UNASUR RELATED TREATY LAW

The treaty establishing the Union of South American Nations (UNASUR) was signed at Brasilia on May 23, 2008 and was ratified by Suriname on November 5, 2010. This treaty is a sub-regional treaty effective within the America's region. Its relevance in the context of this exercise is found in the work related to immigration and health related provisions.

Article 3 of the Constitutive Treaty of the Union of South American Nations relates to the specific objectives of the South American Union of Nations.

Article 3 (II) 'provides for unrestricted work related migration within the union' while subsection (II) calls for 'Cooperation on issues of migration with a holistic approach, based on an unrestricted respect for human and labor rights, for migratory regularization and harmonization of policies'.

Finally Article 3 (kk) articulates that 'Universal access to social security and health services should be made available by member states to all union nationals'.

II-c BI-LATERAL AGREEMENTS

Suriname has entered into bi-lateral agreements regarding travel and migration restrictions with countries outside the UNASUR and CARICOM. These agreements exclusively relate to the reciprocity in lifting the entry visa requirement for mutual nationals. Work related migration and travel terms longer than 90 days remain under the regime of the work and stay permit procedure, which requires health insurance coverage. Notable is that one of the entry visa application requirements is the inclusion of a health certificate of the applicant. Inclusion of health costs insurance is not made obligatory by the State.

SUMMARY

Surinamese law on the rights of migrants suggests the existence of a comprehensive legal framework providing for the protection of those migrants in accordance with international legal standards. The provisions of the 1951 Convention and 1967 Protocol should apply directly to asylum seekers and national law provides that Suriname complies with its non-refoulement obligations. Having said that, the fact that, under Article 24 of the 1991 Alien Act, the minister retains discretion on whether an individual should remain on Surinamese territory raises cause for concern. Furthermore notwithstanding the fact that a comprehensive legal framework exists, the de facto situation of migrants in Suriname suggests these standards are not always applied in a robust manner.

III HAITIANS IN SURINAME

III-a SURINAME IMMIGRATION PROFILE

There is very little reliable data available regarding the number of migrants currently residing in Suriname. The United Nations Department of Economic and Social Affairs (Population Division, 2009) has however attempted to provide figures for number of international migrants residing in Suriname between 1990 and 2010. Their legal status is unknown.

| Indicator | 1990 | 1995 | 2000 | 2005 | 2010 |
|--|--------|--------|--------|--------|--------|
| Estimated number of international migrants at mid-year | 18,031 | 22,271 | 27,507 | 33,976 | 39,474 |
| Estimated number of female migrants at midyear | 8,326 | 10,240 | 12,592 | 15,486 | 17,914 |
| Estimated number of male migrants at mid-year | 9,705 | 12,031 | 14,915 | 18,490 | 21,560 |
| International migrants as a percentage of the population | 4.4 | 5.1 | 5.9 | 6.8 | 7.5 |

THE GOLD MINING SECTOR

The Gold Mining industry deserves a brief mention as it is a strong pull factor of migrants into Suriname. In January 2011, the Government of Suriname (GoS) embarked on an ambitious plan to regulate the gold mining sector. Once considered relatively small-scale in economic terms this untaxed and unregulated sector is currently estimated at producing revenues of US\$ 1 billion annually¹³.

The report of 2010 entitled “Kleinschalige goudwinning in Suriname” indicated the vast majority of migrant workers (it has been estimated that 65-75 percent of the persons employed in Suriname’s gold sector are foreigners in the gold mining areas¹⁴) arrive from the South American region (Brazilians, Peruvians, and Colombians), the Caribbean region (Dominicans and French Guyanese) and China.

Indeed thousands of Brazilians miners (called *garimpeiros*), mostly illegal, and local maroons find employment in this sector. Chinese shop owners have set up unregulated businesses, near the mining sites. The GoS has set up a number of different commissions to organize and register miners, develop legislation to regulate the sector and work on making this sector sustainable and environmentally safe.

In the first instance the miners, owners of equipment, concession holders and all others with activities in the sector were asked to register with a special office set up by the GoS. In its first week of operations, 3,500 persons registered with this office and 2 satellite sites. To further simplify the registration process, the government intends to open another 5 satellite sites. The government also intends to establish special one-stop centers in the interior for miners to conduct all their activities with the government. In a follow-up process the government will also work on the status of the miners. Miners who do not have a permit to be in the country will be allowed to regularize their situations.

BRAZILIANS MIGRANTS

¹³ Moving Frontiers in the Amazon: Brazilian Small-Scale Gold Miners in Suriname, Marjo de Theije and Marieke Heemskerk, University of Amsterdam, October 2009

¹⁴ PANCAP study on Migrant Populations in the Mining Industry, March 2012

Brazilians are Suriname's other fast-growing immigrant group. Most of the nearly 40,000 Brazilians living in Suriname arrived over the past two decades, crossing the porous borders of Suriname either by foot or by boat. According to the Brazilian Embassy in Paramaribo, about 50% of the Brazilians in Suriname live in a situation of irregularity (illegal presence on the territory).

Brazilian men tend to work as gold miners (known as *Garimpeiros*) in the small-scale gold mining business in the Interior, bringing advanced knowledge of gold mining techniques with them. According to the Brazilian Embassy, an estimated 10,000 Brazilians currently work in the mining industry of which an estimated 6,000 are either 'irregular' (illegal) or 'undocumented' (legally present on the Suriname territory but holding no form of documentation). No reliable estimate is available as the movement of people into and out of the country to Brazil, Guyana and French Guiana is very fluid.

Following in the footsteps of these '*garimpeiros*', are other Brazilians such as shop- and bar-owners, operators of gold-buying houses and commercial sex workers who enter Suriname hoping to benefit financially from the booming small-scale mining industry.

Indeed, Brazilian women tend to work in the sex industry both in Paramaribo and the gold mining region where they can reportedly earn three times the wage they would earn in Brazil. The Brazilian migrant community has also become another high priority population of concern to the Suriname government due to the high level of migration and reported high criminality rate attached to the community.

Following violent clashes between Brazilian migrants and Surinamese Maroons in Albina in December 2009, Brazil and Suriname signed an immigration pact which includes the establishment a 'Migratory Working group' between both governments to regularize the situation of the Brazilian Gold Miners in Suriname. Currently, an average of 100 irregular Brazilians is being deported every month by the authorities.

In addition to these two large migrant groups, in the past two decades, Suriname has been receiving an increasing number of migrants from other Caribbean states. Deteriorating economic and social conditions, high unemployment, particularly for younger people, and little hope for improvements in the foreseeable future constitute the main push factors for those desperate to leave. Caribbean migrants who travel either temporarily or permanently to Suriname for work mostly originate from Guyana, the Dominican Republic, and Haiti. These countries benefit significantly from the remittances received from nationals working abroad.

GUYANESE MIGRANTS

Due to its proximity to Suriname, and the ease with which the Guyanese-Suriname border can be crossed, Guyanese migrants¹⁵ mostly work as temporary labor migrants in the fisheries sector (men) and the sex industry (women, men, and transvestites).

Two studies commissioned by the national oil company Staatsolie in 2010 stated that the Guyanese community dominated the fishing industry in Suriname. Their number will however fluctuate with the fishing seasons.

A 2009 survey among sex workers in Suriname (Heemskerk and Uiterloo) and a UNFPA study on condom use among sex workers in Suriname in 2011 (Heemskerk, Duijves) reported that street-based sex work is dominated by Guyanese women, men and transvestites.

¹⁵ No data is available for the numbers of Guyanese migrants residing in Suriname.

Nieuw Nickerie in the district of Nickerie provides the main illegal entry point (in Suriname referred to as the 'backtrack') for Guyanese (and other migrants) to enter Suriname. The route also favors narcotic, arms and human trafficking into Suriname. The MV Canawaima Ferry Service (launched in 1998 through a \$20 million European Union Project), located at Moleson Creek in Guyana and at South Drain on the Suriname side, is supposed to ensure effective migration cooperation between Guyana and Suriname. However most individuals choose to use the backtrack route (as many as 300 persons traverse the Corentyne River to enter Nickerie or Springlands everyday through the use of speedboats stationed along both sides of the river¹⁶) and bypass Suriname immigration controls.

As a response to this, the GoS has increased the number of check-points set-up along the Ost-West Verbindng, the only road that connects Nieuw Nickerie to Albina and scores of Guyanese are regularly sent back into Guyana after failing to enter Suriname with the relevant visas.

According to Stichting Rachab¹⁷ Suriname and UNFPA Suriname, recent studies among sex workers in Suriname clubs and bars suggest an increase in the number of **Dominican women** (4000 were reported to work as prostitutes in Suriname in 2008¹⁸) who have come to work in Suriname clubs and bars in the capital city of Paramaribo and in the coastal town of Albina.

CHINESE MIGRANTS

Chinese in Suriname are descendants of 19th-century contract workers. Many Chinese in later generations intermarried with mixed-race Creoles. The 1990s and 2000s saw a large scale wave of renewed migration and the Chinese community is now one of the fast-growing immigration communities in Suriname. The recent influx of Chinese migrants is perhaps more notable, in part, because many of the new arrivals are visibly involved in commerce and in the construction industries.

In 2011, over 40,000 Chinese, including legal and irregular migrants, were reported to reside in Suriname¹⁹. However, the New York Times stated in April 2011 that due 'to scandals over illegally obtained residence permits amongst the Chinese community; their numbers could be much higher' Due to the reported issues of both human and labor trafficking affecting the community²⁰, the Chinese have become one of the high priority populations of concern for the Suriname government which, according to the Ministry of Foreign Affairs, has started to restrict the tourist visa procedures for Chinese residing in China²¹.

THE MAROONS AS INTERNALLY DISPLACED PERSONS

In 1986, civil war broke out between Maroons and the Suriname Creole-run military, sending thousands of Maroons fleeing across the border into French Guiana. Some 10,000 Ndyukas were recognized as refugees, confined to camps. The fighting that raged from 1986 to 1992 pitted Maroons against the national army of Suriname. Whole villages were razed as soldiers killed

¹⁶ 'Surinamese police officer urges regularisation of backtrack crossing', Guyana Times, 16 March 2012

¹⁷ Stichting RACHAB Suriname is a non-profit organization which aims at optimizing the social, economic, mental, physical health and well-being of commercial sex workers as well as all those infected and affected by HIV/AIDS.

¹⁸ Dominican Today, 11 May 2008.

¹⁹ 'With Aid and Migrants, China Expands Its Presence in a South American Nation' Simon Romero, 11th April 2011, New York Times.

²⁰ 'Suriname Chinese Association num on human trafficking', De Ware Tijd, 29 December 2011

²¹ According to a U.S. Embassy memo dated April 2007 leaked by Wikileaks a "large groups of Chinese enter the country via the western border with Guyana and receive driver's licenses, official documents and employment upon arrival through semi-legal or illegal channels. Unable to pay debts, they are de facto indentured labor, bonded to the organizations that brought them to Suriname."

hundreds of women and children with machetes and bullets. In 1992, the civil war was concluded, refugee camps in French Guiana were shut down and their occupants were either "regularized" or sent back to Suriname.

In Suriname, post-civil war Maroon life was transformed with rampant poverty and malnutrition, severe degradation of educational and medical resources, and the spread of AIDS and prostitution. The official restoration of peace in 1992 came at a price, as the Maroons signed a treaty largely focused on rights to land, minerals, and other natural resources all of which are now claimed by the GoS which embarked on a program aimed at the "legal unification and uniformization of its Maroon minorities", insisting that under "Suriname law, neither Maroons nor indigenous peoples hold any special rights and that the interests of the total development of the country" is paramount. As a result, much of the Maroons forest has been auctioned off to Indonesian, Malaysian, Chinese, Australian, Canadian, U.S. and Brazilian timber and mining corporations.

Legal rights and recognition for the diverse indigenous peoples of Suriname have lagged behind those in other South American countries. Despite pressure from the UN and binding judgments by the Inter-American Court of Human Rights²², Suriname has yet to recognize indigenous and tribal land rights, a situation that has disconnected local communities from decisions regarding the land they have inhabited for centuries and in some cases millennia²³. The Inter-American Court issued two judgments related to tribal peoples in Suriname. These decisions affirmed that like indigenous people, the Maroon tribes have individual and collective rights which are protected by the American Convention on Human Rights (ACHR). Suriname is party to the ACHR. The Court ordered that the process of demarcation be complete by December 2010. To this date, the government of Suriname has not yet complied with this mandate.

State services in Maroon territories (clinics, hospitals, schools) scarcely function. Medical facilities and other essential services are consistently below the coastal standards. The basic rights of Maroons have been routinely violated in policy and practice, through assimilationist policies and laws, issuing of logging and mining concessions without any consultation, environmental degradation, dispossession, and by ignoring of legal agreements. Moreover, the massive influx of Brazilian miners has resulted in social and environmental problems in the interior. Shoot-outs between Brazilians and Maroons have been reported, Maroons have been killed and farming areas destroyed. Malaria and sexually transmitted diseases (including AIDS) have reached epidemic proportions in most areas of the interior²⁴.

All of these factors combined have created a recent exodus of Maroons from the interior towards Paramaribo in search of better living conditions and opportunities. According to PAHO²⁵, many Maroons have settled in temporary makeshift camps across the city. They live marginalized from mainstream society where extreme poverty is endemic with a chronic lack of access to sanitation, potable water, electricity, education and basic healthcare. Violence in those enclaves of Paramaribo

²² "Saramacca People versus Suriname", 2007; "Moiwana Village versus Suriname", 2005.

²³ Indigenous peoples in Suriname still wait for land rights, Jeremy Hance, 31 July 2011

²⁴ "Maroons under Assault in Suriname and French Guiana, Cultural Survival, 28 April 2010

²⁵ Interview with PAHO, Paramaribo.

is also affecting the community together with discrimination from Surinamese who blame the Maroons for the high criminality rate in the city.

TRAFFICKING ISSUES

It has been well established that Suriname is a destination, source, and transit country for women, men, and children who are subjected to sex trafficking and forced labor. Women and girls from Suriname, Guyana, Brazil, and the Dominican Republic are reportedly subjected to sex trafficking, many of them lured with false promises of employment. Asian men, particularly from China, have arrived in Suriname in search of employment but were subsequently subjected to forced labor, especially in the construction industry.

According to the latest TIP report (US Embassy 2012), the Government of Suriname does not fully comply with the minimum standards for the elimination of trafficking and its lack of increasing efforts to address human trafficking over the last year has placed Suriname on Tier 2 Watch List. According to the US Embassy of Suriname, the GoS made limited law enforcement efforts against trafficking offenders and provided limited protections to trafficking victims over the last year. Moreover, according to the US Embassy of Suriname, the anti-trafficking plan for 2011 has remained unapproved while the anti-trafficking hotline administered by the police reportedly received no phone calls.

SUMMARY

Haitians are only one of the many and varied migrant groups currently present in Suriname. These vulnerable communities face many of the same cross-cutting issues. Many arrive in Suriname having been smuggled into the country and end up working in ghetto industries. They remain ostracized from mainstream society. Their situation raises serious concerns and the gaps faced in accessing adequate social protection require urgent attention.

III-b THE SITUATION OF HAITIANS IN SURINAME

INTRODUCTION

The dire economic conditions that prevail in Haiti and the constant political turmoil have contributed to continued emigration to Suriname.

The first group of 48 Haitians arrived in Suriname on the 14th of July 1977. They were contracted as cane cutters for the sugar cane harvest following a bi-lateral agreement between the Haiti and Suriname governments. When the sugar cane plantation sector collapsed, Haitians were moved to the Banana plantations.

The language barrier and cultural customs and practices in Suriname made it very difficult for Haitians to adapt to their new country. Many who arrived in 1977 left Suriname to travel onwards to French Guiana where they believed integration into that society would be easier.

For those who remained in Suriname, life was difficult both in and outside of the plantations as most of them were undocumented and did not obtain the relevant residency permits to legalize their stay

in the country until the late 1980s and early 1990s despite the formal agreement in place between both the Haitian and the Suriname government.

Many of the Haitians who arrived in 1977 believed they would eventually return to Haiti. Such was their belief that when in the mid 1980's, the government offered them the option of becoming naturalized citizens, most declined²⁶. By the 1990's, most Haitians had been able to reunite with their family members who were brought over to Suriname. This initial experiment set a precedent for the migration of Haitians to Suriname which has steadily continued throughout the 1980, 1990 and 2000s.

The Haitian Coup d'état which brought General Raoul Cedras to power took place in 1991 resulting in the deaths of between 3,000 to 5,000 people. The coup created a large-scale exodus of Haitian refugees to the United States from 1991 to 1994. Approximately 15,000 Haitians had fled their country by the autumn of 1991. Most did not qualify for asylum in the United States and were kept at Guantanamo Bay.

To relieve the mounting pressure at Guantanamo Bay, a humanitarian agreement was passed between the US government and GoS to set-up a temporary refugee camp near Paramaribo Airport in Suriname. The project was named 'Joint Task Force-Distant Haven' and US military and nurses were deployed to Suriname. However as American troops were deployed to restore peace in Haiti and the subsequent repatriation of refugees to Haiti started to take place, the need for the creation of this refugee camp in Suriname became less urgent and in the end it was never established beyond some preliminary preparation. Very little information could be obtained from GoS concerning 'Joint-Task Force Distant Haven' operation in Suriname but according to the Ministry of Defense²⁷, the blue print of this temporary refugee camp still exists in Paramaribo today.

In 2004 during a further Haitian Coup d'état, a shift was noticeable in the GoS's attitude where they started to put restrictions on the entry of Haitian migrants into the country, an attitude that still persists as Haiti's political and economic situation remains extremely unstable. Indeed, despite Haiti's fully fledged membership to CARICOM, which in principle ensures the free movement of CARICOM nationals between CARICOM countries, visa restrictions are still imposed on Haitian nationals as member states continue to fear an influx of Haitian nationals on their territory²⁸.

It has not been possible to provide reliable data regarding the number of Haitians, both legal and irregular, currently residing in Suriname. Various figures have been provided by the SoG (2,700 registered Haitians) and the Haiti Honorary Consul (3,500 registered Haitians). The general consensus amongst the various Haitians associations operating in Suriname (the Lavalas Comite, the Organization des Haitiens du Suriname (OHS), the Organization Culturelle des Haitiens du Suriname (OCHS) and the Haitian Church network indicates a figure of 5,000 registered, naturalized and irregular Haitians. Out of these 5,000 Haitians, according to Orecia of L'Isle, Chairman of the Haiti

²⁶ The specificities of the Haitian nationality law which does not make provisions for dual nationality did also play a role in the Haitian diaspora's decision not to access the Suriname nationality.

²⁷ Interview conducted with the Deputy Director of the Ministry of Defense.

²⁸ MOUs were signed between Suriname and Haiti on the 15th of February 2012 and on the 14th of March 2012, CARICOM and Haiti have implemented a Limited Visa Waiver Agreement for Haitian diplomats and businessman.

Development Foundation based in the Netherlands; 1,000 are reportedly illegal in Suriname²⁹. It is however hoped the 2012 National Census (which will run from August to December 2012) will provide up-to-date and accurate data on the size of the Haitian population in Suriname³⁰.

Haitians in Suriname forms two distinct groups, those who have arrived in the 1980s and 1990s who are relatively well established in their communities, and the new arrivals, mostly young males who leave Haiti in search of a better life and economic opportunities. According to the community itself, the numbers of new arrivals have significantly increased since the 2010 Earthquake in Haiti. 20% of the respondents of the focus groups arrived in Suriname in 2011 for instance.

The fabric and internal functioning of Haitian society in Suriname does not suggest that much 'support' actually takes place between these two groups and individuals in the community tend to keep themselves to themselves and gravitate towards individuals who share the same socio-economics traits as them.

A comment made by one church-goer during a focus group in a well-established Haitian congregation seems to highlight this particular fact:

'...We are living well and comfortably here in Suriname and the community's interest should not be jeopardized by the arrival of Haitians who enter the country illegally. It reflects badly on us and could bring us problems. These people should not be here...'

Most Haitians work in the agricultural sector either for the '**Stitching Behoud Bananen Sector**' (SBBS), the government owned banana plantation in Jarikaba, Saramacca, or privately by cultivating rented lands from Suriname nationals. Haitian women tend to work as cleaners and market vendors selling fruits and vegetables in Paramaribo Market which, according to the market manager, counts 150 registered Haitian women vendors. Often, in order to supplement their incomes, Haitian men will also work as night watchmen for Surinamese families after their day's work on the plantations. Haitian watchmen are well regarded by the Surinamese community who find them trustworthy and reliable. It is also noted that the more established members of the Haitian community have been able to move away from agricultural work and mostly work as taxi drivers, car mechanics and small-scale business traders. Some Haitians are also reported to be working in the gold mines in the interior of the country but it proved extremely difficult to obtain information on this sub group of Haitians.

The Haitian community is mostly established outside Paramaribo in the districts of Saramacca, Wanika and Kwatta. Moreover, an unknown number of Haitians is reported to live in Niew-Nickerie, in the district of Nickerie, where SBBS owns a rice plantation that reportedly employs some Haitians. Moreover, a large number of illegal Haitians are reported to be present in the district as Nickerie is one of the main illegal entry points in Suriname from Guyana. The 5 weeks allocated to this mission in Suriname did not allow for the consultant to conduct extensive field research in Niew-Nickerie, a 5 hours drive from Paramaribo, where considerable time and resources would have been needed to establish contacts with the community.

²⁹ Statement made on the 19th of December 2011.

³⁰ Census results will be published in August 2013

The consultant's planned travel to Nickerie to meet with the District Commissioner and the Head of the Police was cancelled the day before the meeting. The opportunity was however provided to the District Commissioner to conduct the interview over the phone but the offer was declined by both the District Commissioner and the Head of Police. The reluctance of the District Commissioner to meet and discuss may be attributed to contentious corruption issues currently affecting the district as well as the recent alleged murder of a Haitian national by two police officers in Nieu-Nickerie.

LEGAL STATUS

"The iron law of labour immigration asserts that there is nothing more permanent than temporary workers – documented or undocumented. Migrants are aware that if one cannot get into the front door legally, then entry through the side door or even the back door has the same outcome – permanent stay in the receiving country."³¹

The legal status of Haitians in Suriname is governed by the granting of a residency permit, either short-term or permanent. The Haitian community visited during the field research enjoyed different levels of legal status, from short-term stay permits (**Machtiging Kort Verblif otherwise referred to as the MKV**) to permanent residency permits (**Machtiging Verblif otherwise referred to as the KV**) to naturalisation (**Naturalisatie Overige Vreemdelingen**). Evidently, many Haitians did not hold any form of legal status due to their illegal entry into the territory. Provided that a Haitian national has entered Suriname with the relevant documentations; a valid passport and a short-stay visa granted in the country of origin, the first step would be to apply for a temporary stay-permit from the Ministry of Justice of Police³².

Temporary Stay Permit Procedures

The temporary stay-permit is granted for 2-years by the ministry of Police and Justice after a successful application process. The application cost \$150 but is free for CARICOM members though Haitians have reported that they still have to pay this fee. The '**Documentenlijst Annvraag Verblif Overige Vreemdelingen**', available in Dutch from the Ministry of Police and Justice, sets out the list of document needed to process the application

1. A petition addressed to the Minister of Justice and Police
2. A stamp of SRD. 1.50
3. Two recent passport photos
4. A completed application form
6. Copies of all written pages of the passport
7. A certificate of good conduct '**Ofbewijs van Goedgedrag**' (original + copy, if in a language other than Dutch or English, the attached translation)
8. Birth certificate (original + copy, if in a language other than Dutch or The English translation attached)

³¹ James Ferguson, Migration in the Caribbean, Minority Rights Group International, 2007

³² It has to be highlighted that it is impossible to apply for a short-stay permit having entered on a tourist visa. This facility is only provided to Foreigners of Surinamese descend. Should this be the case, the national will be expected to return to his country and follow the appropriate procedures.

9. If married: a copy of the Marriage Certificate (original must be available for inspection).
10. Proof of health insurance (a letter from the employer as a proof of guarantee for the cost of the health insurance or a guarantee letter from a third party with the required documents)
11. A receipt of deposit of USD 150 to the Centrale Bank of Suriname in the name of the Minister of Foreign Affairs (CARICOM members are exempt).
12. An employer's Declaration (original, and 3 months validation), with the level of income, date of issue, company stamp)
13. For Businesses that are licensed, a copy of the shop license (original should be available for inspection)
14. For dependent family members (schoolchildren or students, spouses, concubines and minors): an official letter from the school or university
15. For people who are financially dependent on a guarantor, the guarantor must submit the following documents: a sponsorship form, an original CBB registration certificate, a copy of ID or residency.

By law, the application process should not take more than 14 days. In practice however, the processing time was reported to take anything between 3 to 6 months. Once granted, the short-term stay-permit will allow the individual to legally remain on the territory for 2 years and work.

Technically this permit should also allow the individual's access to mainstream public services and authorize the individual to travel back home during his stay on Surinamese territory. However, the short-term stay-permit does not make specific provisions for the applicant's family members (spouse or any other dependents) to accompany him/her, therefore if the family has remained in the country of origin and wishes to join the main applicant in Suriname, they will need to apply for their own visa individually.

As previously stated, the temporary stay-permit is valid for 2 years and subject to unlimited numbers of renewal so as long as the prerequisite conditions for applications continue to be met.

Permanent Residency Permit Procedures

After 5 years on Surinamese territory, short-stay permit holders can apply for a permanent residency permit (**Machtiging Verblijf otherwise referred to as the KV**) from the Ministry of Police and Justice. The '**Documentenlijst Annvraag Verblif Overige Vreemdelingen**', available in Dutch from the Ministry of Police and Justice, sets out the list of document needed to process the application. Again the application cost (\$200) is not applicable to CARICOM members but Haitians have reported paying the fee.

1. A petition addressed to the Minister of Justice and Police. Children of 18 years and older should submit their request separately
2. A post stamp of SRD. 1.50 (unto the original application)
3. Two recent passport photos
4. A completed application form
5. A copy of passport
6. Copies of the permits of the past 5 years and must be valid for at least 3 months

7. Marital status: If the marital status has not changed after obtaining the temporary stay permit, no further documents are required. If the marital status has changed, documents are needed to prove a marriage, divorce or death.

8. An original registration statement from CBB (Centraal Bureau voor Burgerzaken, otherwise the Central Bureau of the Ministry of Home Affairs³³) with at least 6 months validity. It must show that the applicant is registered for 5 years in the Population Register.

9. Proof of health insurance or a letter from the employer as a proof of guarantee for the cost of you and your family's health insurance or a guarantee letter from a third party, with the required documents

10. A receipt of deposit of USD 200 to the Centrale Bank of Suriname in name of the Minister of Foreign Affairs.

11. An employer's declaration (original with 3 months validity). For businesses that are licensed, a copy of the license of the shop / business. In addition, the guarantor must submit the following documents: a sponsorship form; an original CBB registration certificate, a copy of ID or passport, if the guarantor is a foreigner, a copy of the residence permit or settlement

12. For dependent family members (schoolchildren or students, spouses, concubines and minors), an official letter from the school or university

By law, the application process should not take more than 21 days. In practice however, the processing time was reported to take anything between 11 months to 5 years. Sometimes, applicants never hear back on their application process.

This permit allows individuals to permanently remain on the territory and constitutes the first step towards the naturalization process. The permit-holder will be allowed to work and live on the territory and enjoy access to mainstream public services (education, health, housing), with the exception of the financial assistance programme (the Surinamese national benefit systems) which is only open to Surinamese nationals.

Moreover, the permit holder won't be allowed to buy land or property owned by the GoS nor work as a doctor or a lawyer. Moreover, the permit holder is not allowed to be active in the political sphere or work in the security forces. Though the permit holder may be allowed to become a civil servant, he/she can never become a permanent employee of the GoS.

Furthermore, the permanent residency permit in practice will allow a permit holder to apply for a family reunification visa for a spouse and/or children who remained in the country of origin and who wish to join their partner in Suriname. Though according to the Ministry of Police and Justice, this facility is granted to Haitians in Suriname and extends to other family members (applicants parents and siblings), the Haitian community has reported that the family reunification visa is difficult to obtain and the applications are mostly denied by the authorities.

³³ The Central Bureau (CBB) is responsible for the administration of internal home affairs across the territory of the Republic of Suriname. The CBB has as a central administrative headquarters in Paramaribo city as well as 44 regional offices across the country. The CBB is responsible for providing documents that are part of the everyday life such as birth certificates, death certificates, marriage certificates, adoption awards and divorce certificates as well national passports and ID cards.

Access to Surinamese nationality: the naturalization process

According to **Article 8 of the Law on Nationality and Residence** (State Ordinance of 24 November 1975 for the Regulation of the Surinamese Nationality and Residence in Suriname), holders of a permanent residency permit can apply for naturalization after 5 years living on Surinamese territory with no interruption. The '**Documentenlijst Aanvraag Naturalisatie**', available in Dutch from the Ministry of Police and Justice, sets out the list of document needed to process the application. A processing fee of 200SRD is applicable to all applicants.

Opting for naturalization allows applicants to enjoy the same rights as their Surinamese counterparts and all restrictions previously applied to the permanent residence permit are no longer applicable.

1. A petition in duplicate addressed to the President of the Republic of Suriname
2. A postal stamp of SRD. 1.50
3. Two recent passport photos
4. A copy of passport
5. Copies of the permits of the past 5 years (they must be valid for at least 3 months)
6. Birth certificate (original + copy, if in a language other than Dutch or English, attached translation)
7. Marital status: If you have not changed after obtaining the valid resident permit, no further documents are required
8. If applicable, Divorce Act / Death Certificate
8. An original registration statement from the district office CBB with at least 6 months validity. It must show that you are registered for more than 5 years.
9. Proof of health insurance
10. A letter from the employer as a proof of guarantee for the cost of the applicant's health insurance
11. A guarantee letter from a third party, with the required documents
10. Cash Proof of SRD. 200 applicable to all aliens.
11. An Income Statement showing the income tax paid to the relevant tax office
12. An employers' Declaration (original and 3months validation). For Businesses that are license: A copy of the license (original should be available for inspection). For Entrepreneurs who are not controlled: an original extract of KKF (not older than 1 year); a recent SAS receipt; Copy of ID or passport
13. for dependant family members (schoolchildren or students, spouses, concubines and minors); an official letter from the school or university
14. In addition, the guarantor must submit the following documents:
 - A sponsorship form
 - An original CBB registration certificate
 - A copy of ID or passport
 - If foreign, a copy of the residence permit or settlement

There is no processing time for the naturalization process. Whilst some Haitians were granted Surinamese nationality within a year, others have been waiting for many more years (anything from 1 to 10 years and more), while others simply never received a response on their application.

About 10% of the current Haitian population is thought to be naturalized³⁴. In addition to the fact that many Haitians who came to Suriname believed they would one day return home and therefore were eager to preserve their Haitian citizenship, the legal specificities of Haitian nationality law which for instance prohibits dual citizenship, have made Haitian nationals reluctant to abandon their Haitian passports. However, as the situation in Haiti continues to deteriorate and Haitians have settled and established roots in Suriname, a shift is taking place amongst the community and an increasing number of Haitian nationals are attempting to seek Surinamese citizenship. When asked what would be in their best interest, 90% of the total number of focus group respondents stated that ‘naturalization was the way forward for Haitians in Suriname’. Haitians are also interested in the prospects of acquiring land from the GoS which is only authorized if you are a citizen of Suriname. The principles of land rights in Suriname in theory stipulate that any Surinamese citizen can buy land to either build a house or turn into an agricultural venture at a reduced cost (land from the government cost 1,000Euros against a quote of 10,000 if bought privately).

However, while the GoS was favorable to the naturalization of aliens in the 1980’s, the situation has changed in today’s Suriname with a government that seems to have adopted a protective attitude towards national identity. Access to Surinamese citizenship has thus become a long, arduous and costly process with no guaranteed outcomes at the end of that process.

‘...Haitians are starting to wake up to the fact that holding a Surinamese passport would be better for them and their children. It gives those rights and protection they would not necessarily enjoy with a Haitian passport. For once, with a Surinamese passport, you can travel more freely than if you held a Haitian passport. A lot of Haitians parents are urging their children who arrived in the country in the 1990s to apply for naturalization for instance. The process is difficult though and costly for your average Haitian, you need money and you need contacts, and if it was not so it is evident that more Haitians would seek naturalisation...’

Haitian Pastor, Eglise Eau Vivante

Limitations and Challenges of the Residency Permit Procedures

- **Employment Obligation**

It seems clear that such permits cannot be granted without the applicant being in employment. In practice, this implies the need for the employer to lodge a work permit application for his employee prior to the individual’s application for a short-term stay permit.

As formal employment or the system of a guarantor are express legal conditions to a legal stay in Suriname, it can be argued that such system has the potential to put vulnerable migrant workers in positions of dependency with their employers creating the potential for abuse and ill treatment.

In the specific case of Haitians, many are employed by SBBS which is responsible for obtaining work permits and providing support to their employees to obtain the short-stay permit and a later stage, the permanent residency permit. Haitians who arrive in the country will often automatically seek

³⁴ Data quoted by Mr Raymond Nicholas, President of the Lavalas Comite in Paramaribo.

employment with the company in the hope of getting their legal status resolved promptly. 70% of the focus group respondents working in Jarakaba Banana Plantation for instance held either a short-term stay permit or no permit at all (the case of the irregular migrants working for SBBS will be treated separately). The results of the various focus groups suggests many of the Haitians who arrived in Suriname more than 10 years ago still hold temporary stay-permit.

Many Haitians have also reported working for SBBS for decades in the hope of one day obtaining their permanent residency permit despite the unfavorable and challenging working condition on the plantation. Haitians have reported leaving SBBS as soon as they obtain their permanent residency permit and, in this sense, being in a position to leave Jarikaba Banana Plantation signals a Haitian's successful transition from a recently arrived migrant to an established migrant.

'...My father arrived in Suriname in 1991. My mother, my siblings and I joined him in 1994. My father has worked in Jarikaba banana plantation for most of his life in Suriname but he struggled so much to get his residency permit. The conditions on the plantation and the pay were very bad but he could never live as he was often told by the management of the plantation that if he left he would never get his residency permit to stay in Suriname. It took my father 15 years to finally get his permanent residency permit. Only then, was he finally able to leave Jarikaba and work as a laborer for himself. This is not the story of my father only, it is the story of many Haitians who came to live and work in this country...'

Quote from a Haitian young woman in Leylydorp community

- **Healthcare Obligation**

The granting of both the short-stay permit and permanent residency permit requires the acquisition of a health-care insurance policy package prior to applying for such permits. This requirement was adopted by the GoS only about 10 years ago (prior to this healthcare insurance were not part of the application process). The Ministry of Health³⁵ stated that this move was motivated by the concern that all foreigners should enjoy an equal access to healthcare services.

There are 3 health insurance systems in Suriname: the law in Suriname provides that civil servants (including their dependents) and also pensioners are covered by the SZF insurance (**Staatziekenfonds Suriname**), a state-sponsored health insurance package. Surinamese nationals without means are guaranteed access to healthcare through the '**financial assistance programme**' of the Ministry of Social Affairs. All other private entities have to insure themselves via one of the privately operating insurance companies such as 'Self-Reliance' or 'Assuria'. In the case of undocumented nationals, they will first have to register at their respective civil registration office before accessing either the public or private health insurance schemes which raises question that will be treated separately in the course of this report.

For those in permanent employment, the employer can offer the provision of a private healthcare package at a reduced cost or no cost at all. It should be noted that SBBS being a public company relies on the SZF insurance provision. SBBS for instance will cover either fully or partially the healthcare costs of its employees depending on their employment contract. If such provision is not part of an employment contract, the individual is expected to pay for such insurance 'out-of pocket'.

³⁵ Interview conducted with the Ministry of Health

In Suriname, the cost of a private healthcare insurance will depend on the age of the applicant and the household size. In any case, it remains prohibitively expensive as Haitians are reportedly paying anything between \$1,000 and \$2,000 per year. The field research has brought to light a concerning trend affecting Haitians who, despite their initial legal entry and long-standing presence on the territory, have become both undocumented and irregular as they can no longer afford buying a health insurance policy.

A high number of elderly Haitians (who do not receive a pension and can longer work on the plantations) and single female head of households were particularly affected by this. It is thus noted that the GoS's position on healthcare access, which initially tried to ensure a certain level of social protection to foreigners on the territory, has managed to achieve just the opposite by creating financial barriers to obtaining a legal status in the country and thereby further exacerbating the vulnerability of the Haitian population.

'...I arrived legally in this country in the late 1970's. All my life I have work on the banana plantations in Suriname. I am too old now to continue such work and I have no pension. How I am supposed to afford this healthcare policy when I am old and sick and have no money? It will cost me \$1,500 that I simply do not have. I gave up on applying for a permit to-stay long ago. I have no more documentation or legal papers in this country but what else am I supposed to do? If I get sick, then I will rely on home-made remedies...'

Quote from an elderly Haitian in the community of Uidkijk

'...I am a mother and I have 2 children to feed. I have no husband to support me and my children. I do menial work here and there and share an accommodation with another Haitian woman in the same situation as me. I have been in this country since 2002 but I no longer have a permit to-stay or any other form of documentation. I cannot apply for it and regularize my situation as I just cannot afford to pay for this healthcare policy. Life is hard for people like me who cannot access medical care when I need..'

Quote from a Haitian woman in the community of Uidkijk

- **Access and Processing Challenges**

Most Haitians have expressed their frustration and dissatisfaction with the current procedures for accessing permits. . The procedure is found to be complex, expensive and cumbersome. Haitians reported having to attend multiple lengthy interviews with the Ministry of Justice and Police and additional documentation was constantly requested. Often they are not provided with the right information and the attitude of staff is often hostile. The application form and accompanying directives are only available in Dutch which poses problems to individuals who do not speak the language. HIV Testing and Screening is also reported to be part of the various application procedures.

"..It was hard for my father to get his stay permit. My father had to do many requests and visit many offices where he never was provided with the right information. The employees of the offices also spoke to him roughly. There is one particular office where my father only got the help he needed after he bought drinks and snacks for the ladies who work there. That's not right. I haven't calculated the cost of the process for my father but it was very expensive..."

Young Haitian lady from Leylydorp

The procedure as it currently stands deters most members of the community from undertaking the process themselves. Most Haitians therefore rely on the well-established method of using a ‘middle-man’ to take care of the application process on their behalf. This ‘middle-man’ will often be an influential member of the community, who speaks Dutch fluently and who has connections inside the government. Often the middle-man will ensure a favorable and speedy outcome to the applicant but such informal support system does not come without limitations. Corruption and abuse are rife as the outcome of the application process will depend on how much money an individual is actually willing to pay. Many Haitians have also reported the exploitative nature of one Haitian committee in particular operating in Suriname whose claim of acting in the best interest of the Haitian community in Suriname has been reported by both the Haiti Honorary Consul and the community itself to be a smokescreen for running a profitable permit/residency/citizenship application scheme. The president of this particular committee is referred to as Master by Haitians³⁶.

“...Many people who claim to be speaking for the community don’t have the best interest of the community. Haitians need to understand that they have to do things for themselves and not wait on so called Haitian organizations to better their life and that of their family back in Haiti.”
Haitian Student, Anton de Kom University

“...My father has worked in Suriname as a famer all this life and really faced problems getting his residency permits from the government. He ended up using the services of one of the Haitian committee a many other Haitians do but he was completely exploited. The middle-man kept coming to our home and raising the price of his service. If my dad wanted to get his papers, he was told he had to pay. Sometimes it was 600SRD, other times 200SRD and it kept mounting. It made us very angry and we told our father that he should not have to pay for something that is supposed to be offered freely by the government but my father was scared never to have his residency permit so he continued paying.”
Haitian Student, Anton de Kom University

“...I am a window and I work at the market. I look after my children alone. I tried to apply for the permanent residency permit but I did not know how to do to it so I decided to use a middle-man. He took all my papers, even my passport and paid him a lot of money. But then he disappeared and I never heard from him again. I was told he died. I was never able to recuperate my documents and in the end I still have a temporary stay-permit even though I have arrived in Suriname in 1988”.
Haitian market vendor, Paramaribo Market

Furthermore, despite legal provisions specifying the processing time of both the temporary stay-permit and the permanent residency permit of no more than a few weeks, in practice the procedures can both take months and years and the outcome is often uncertain. Access to mainstream public services according to GoS is still guaranteed to applicants so as long as they can prove that they are in the process of obtaining the relevant permit to reside in Suriname. Many

³⁶ According to one particular source, this particular committee was provided hectares of land to run an agricultural scheme for the Haitian community in Saramacca. However the president of the committee sold the entire land and pocketed the money for his own purposes.

Haitians who have attempted to follow-up on their permit applications have reported their application and supporting documents were lost by the government and the procedure required to be started all over again. These instances will have serious financial consequences on an individual trying to legalize their stay in the country.

‘...I applied for my permanent residency permit 3 years ago and I did not hear anything back. So I went to the office to follow-up on my application and I was told that my application was lost and that I had to start the procedure all over again. The problem is the money of course as I need to re-buy an insurance policy. It is frustrating for people like me who earn a limited wage...’

Haitian man in Uidkijk

The same issues and challenges affect the access to citizenship which is reportedly even harder to obtain than the temporary and permanent residency permits. The procedure is found to be equally complex, lengthy, expensive and burdening with a higher numbers of interviews to attend for the applicant. Many young Haitians who arrived in Suriname at a very young age reported facing the same problems and struggling to acquire the nationality. This trend also seems to affect young people of Haitian descent born in Suriname and who decide to claim their Surinamese nationality at the age of 18 years old.

SUMMARY

The procedure to access the temporary stay-permit, the permanent residency permit or the citizenship in Suriname is inaccessible, complex, costly and cumbersome. The challenges faced by undocumented/irregular Haitians prevents them from regularizing their status in the territory. As a consequence many long-term Haitian residents despite spending more than 10 years in Suriname still only hold a temporary permit to stay. As stated by the Expert Group Meeting on International Migration and Development in Latin America and the Caribbean (2005) “most immigrants remain temporary workers for their entire stay and this holds even for those ‘temporary’ migrants, who have lived in the host country over extended periods of time (sometimes 15 years and longer). Being ‘temporary’ implies being subject to deportation at any given time and having no access to basic health-care services and education for children.”

THE SITUATION OF THE IRREGULAR HAITIANS

Poverty, social exclusion, environmental crisis are political instability are some of the ‘pull’ factors behind undocumented migration. However, family networks and the willingness of employers in receiving countries to provide work for undocumented migrants also represent contributing factors. From large-scale construction sites to the agricultural sector, employers are keen to take advantage of low wages and undocumented migrant’s willingness to do work that nationals often refuse to do.

Undocumented migrants are somehow welcome so long as they restrict themselves to the low-wage, menial occupations for which cheap labor are always needed. However they become unwelcome when they are perceived to compete with local workers for better-paid jobs or when they start being viewed as less of an economic asset but more as an economic liability. The ‘ideal’

migrant worker would somehow be unattached, temporary and content to remain in a low-wage job.

The Consultant received a number of conflicting assertions concerning the situation of irregular Haitians living in Suriname. While the GoS has stated “it does not know the number of irregular Haitians”, according to the Lavalas Haitian committee “no Haitians live in an irregular situation in Suriname”. The Foundation for Development Aid Haiti in Suriname (SOHS) in the Netherlands has however reported that “1000 Haitians are currently living in Suriname without documentation and without legal status”.

The Consultant was able to conduct a focus group with 45 irregular Haitian migrants currently residing outside Paramaribo. This group was mostly composed of men aged between 25 and 35 years old who have arrived in Suriname since 2010. All worked at the Jarikaba Banana Plantation as laborers during the day and watchmen at night. These men left Haiti in search of a better life. An increasing number of irregular single female Haitians are also making their way to Suriname. Most work in the plantation. Though the consultant was able to identify one such group living outside Paramaribo, it was made known to her that the women were too scared to talk openly about their experiences.

The recruitment practice of smugglers in Haiti entails telling Haitians there are many job opportunities in Suriname and that workers receive their salaries in US currency. They are urged to sell their possessions and land and buy a plane ticket to Suriname making it extremely difficult for Haitians to return home. The smugglers then provide travel documents (passports and visas) in Haiti.

According to information received by the Consultant some Haitians are able to enter Suriname with fake documents through Paramaribo airport where smugglers rely on a network of “willing” immigration agents. However, this network is not always reliable and sometimes results in deportation of Haitians. In 2003 for instance, 68 Haitians were detained in a military camp in Paramaribo before being deported. The 35 men, 26 women and seven children had allegedly entered Suriname using forged travel documents and were intending to travel to French Guiana. They told police that they had paid USD 2,000 for travel visas and tickets to French Guiana. In 2006, 22 Haitians were again arrested in Suriname as they were traveling on false documents.

Another reported tendency is for Haitian families in Suriname to use the services of a smuggler to facilitate the passage of family members into Suriname instead of attempting to apply for family reunification through the official channels. Smugglers often mislead families by promising that the family members will be entering Suriname with lawful documentation only for the families to realize, often after the arrival of the family member, that the individual has entered Suriname illegally. This then raises difficulties for Haitian families.

“Most Haitian families I know will prefer to use the service of a smuggler to bring a loved one into Suriname. Then they realize that person has no papers and they are stuck, not knowing what to do to regularize their situation especially when there are children involved. And of course, they are scared. Haitians need to be better educated about what options are open to them concerning

applying for visas. They know it is out there but yet they go to smugglers instead, spend huge amount of money to end up in troubled situations.”

Haitian Student

“...The use of smugglers to reunify with family members left in Haiti is wide spread amongst the Haitian community. A few days ago, 2 Haitians came to the consulate to renew their passports. One man wanted to ask information on the procedures to follow to apply for a visa for a family member back in Haiti. The other Haitian man told him not to bother with such procedure as the visa will never be granted but instead to approach Mrs. X who can arrange for the safe passage of family members”.

Michael Vervurrt, Former Haiti Honorary Consul, Paramaribo

Suriname is often not the final destination for Haitians and instead is used as spring-board to travel onwards into French Guiana where the Haitian population is reportedly larger, French is spoken and the benefit systems considered “generous”. Haitians would often remain in Suriname for a couple of weeks before continuing their journey to Saint-Laurent in French Guiana via Albina in Suriname. Most Haitians who enter French Guiana often claim asylum upon arrival there. The journey costs between 2,000\$ and 5,000\$. It may also happen that smugglers do not fulfill their part of the bargain by bringing Haitians to their final destinations leaving the individual to fend for themselves.

“I came here via a smuggler in 2008. I travelled with fake documents into Suriname but I was supposed to go to French Guiana. I paid the smuggler \$5000. He left me here though and never came back to pick me up. I did not know what to do so I sought help from the church and went to live with Haitians who were in the same situation as me. I ended up staying in this country but I still have no papers and I don’t like it here.”

Single Haitian woman in Uidkijk

For those who do not enter Suriname directly from Curacao and travel either independently or with the help of a smuggler, according to the Haitians interviewed, they follow part of a well-established route that small-scale merchants take to Panama to buy cheap products. The route travelled has been identified as Haiti-Panama-Ecuador (no visa requirements for Haitians)-Peru (no visa requirements for Haitians)-Chile (no visa requirement for Haitians)-Argentina (illegal crossing)-Brazil (illegal crossing)-French Guiana (illegal crossing)-Suriname. Many men reported a good standard of living in Peru and Ecuador but were urged to move on by the same smugglers who promised a better standard of living elsewhere.

For the men interviewed who were in Brazil after the earthquake in Haiti and offered amnesty by the government³⁷, they choose to leave Brazil despite the possibility of regularizing their legal status as

³⁷ According to the Miami Herald Tribune (25 January 2012); 1,600 Haitians were granted amnesty by the Brazilian government post Haiti-earthquake. Some 2,400 illegal Haitians are crowded into remote towns in the Amazon rainforest where they are living in precarious conditions. 1,500 Haitians are in Tabatinga, a town of around 52,000; living in very poor and crowded conditions. The Brazilian National Immigration Council has begun a program to not only grant visas to Haitians who have already crossed Brazil’s borders illegally but also to allow about 100 Haitians per month to enter Brazil to work legally. With the unemployment rate at an historic low, the Brazilian embassy in Port-au-Prince plans to issue 1,200 permanent visas annually to Haitians. The special work program will allow Haitians to remain in Brazil for five years, and

the wages were not enough to make a decent living and life regarded as too challenging in remote Amazonian border towns. According to Haitians who worked in the agricultural sector in Brazil, they earned 3 times less than the wages paid in Suriname for the same type of work. Those who were able to leave the border towns to travel into the bigger cities decided to leave Brazil as they struggled to find a network of Haitians to rely on (indeed as Haitian migration into Brazil remains a relatively recent trend, Haitians are yet to establish themselves into Brazil's urban areas).

"...I was able to leave Tabatinga and travel into Sao Polo where I thought life would be better for me but in Sao Paolo I could not find any Haitians living there. Because of this, I decided to leave Brazil and continue my journey to French Guiana where I knew I would be able to find fellow Haitians."
Haitian male, Uidkijk

The route taken by Haitian migrants will depend on the overall aim of their exodus (for example economic or for purposes of family reunification) and the information gleaned during their journey. All of the Haitian men interviewed stated that their final destination was either Cayenne or Miami but the risk involved in residing in Cayenne without papers and the life threatening risk implied by the boat journey to Florida deterred them from continuing with their journey.

From Brazil, all crossed the border to French Guiana by traveling the Maroni river by boat. The borders between French Guyana and Suriname are porous, uncontrolled and thus very easy to travel. However once in French-Guyana, the tight security control on the streets and challenging immigration system coupled with the rumors that Suriname has plenty of well-paid work opportunities to offer and a more relaxed attitude towards irregular migrants, pushes Haitian migrants to cross the border into Suriname.

"...I arrived in Cayenne from Brazil and though Cayenne was my final destination I only stayed there for 9 days. I was too scared to come out on the streets during the day so would only leave the house at night. The police are everywhere on the streets stopping Haitian looking people. I could not go on live like this. I spent all my family's money and savings travelling all this way, going back to Haiti is simply not an option. One night I left Cayenne. I travelled to Saint-Laurent where I took a boat to cross the border into Suriname..."

Haitian male, Uidkijk

Once in Suriname, newly arrived Haitians rely on the Haitian church network to set them up with a temporary place to stay, introduce them to the congregation and provide them with information on where to seek employment. The most vulnerable ones can expect some form of financial assistance from the church through congregation donations.

does not require participants to show proof of education and labor skills or that a job is waiting for them, unlike other Brazilian work visa programs.

There currently exist 7 Haitian churches of various denominations (from Baptist to Pentecostal) both in and outside Paramaribo: Eglise de l'Eau Vivante, Eglise Nazareene, Eglise Sophiasus, Eglise Baptiste par la Foi, Eglise de la Prophecy, Congregation Chrétienne, Eglise Corps du Christ. Most of these churches operate out of a pastor's private residency and are attended almost exclusively by Haitians. For the congregations that are more established, pastors may be in a financial position to hire a community space to run the services. Church services run every Sunday from 9am to 12pm.

The Church plays a central role in the life of Haitians in Suriname. They provide newly-arrived migrants in the first phase of integration with a feeling of 'home' and belonging, giving a sense of security and support. The Haitian religious communities have an important role in directing where migrants settle as areas are often chosen based on existing religious links. Moreover, in the absence of governmental assistance and intervention or an organization dedicated to promoting the welfare and best interest of Haitians in Suriname, Haitian churches play a crucial social role in the communities. In addition to being the first port of call for irregular Haitian migrants with no family connections in Suriname, they also organize collections to support vulnerable members of the community to access medical care or food, and often pay for burials. The church network will act together on issues affecting the community as a whole such as during the Haiti earthquake where they were responsible for coordinating the fundraising efforts of the community. Collections were also organized to support family victims of the recent floods in Suriname.

Once settled in a community, irregular Haitian migrants will seek employment with **Stichting Behoud Bananensector Suriname** (SBBS). SBBS is a public company tasked to restructure the now defunct company Surland NV that owned the banana plantations in Suriname. In 2008, Surland NV went bankrupt and was taken over by SBBS. The banana plantations are located in two estates: one covers 1350 hectares in Jarikaba, 30 kilometers from Paramaribo and the other one covering 1012 hectares, located 240 kilometers from Paramaribo. The current total area cultivated is 2000 hectares with a projected 80,000 tons of banana for exportation to Europe.

Most Haitians, especially newly arrived as well as long-term residents, work or have worked at Jarikaba Plantations. As demonstrated above, the pull factor for newly-arrived Haitians lies in the potential to regularize their stay through the granting of a work permit leading to a temporary stay permit via the company. According to the consultant's interview with SBBS the company currently employs 2500 staff of which 200 are Haitian nationals. However, it is noted that SBBS provided the official figure of 500 Haitians working on Jarikaba plantation to Sociology research students from Anton de Kom University in 2012.

The Haitians the consultant spoke to complained about the challenging working conditions on Jarikaba Plantations. In 2008, for instance, plantation workers went on strike protesting against their low wage (26 Surinamese dollars (US\$10) per day) while working conditions are poor and overtime is not being compensated; poor medical facilities, safety standards, vacation arrangements and the rude treatment of supervisors who threatened to fire them if production was lagging.

According to the Haitians interviewed in the purpose of this study, working conditions remain extremely challenging on the plantation. Most Haitians work from 6am to 6pm, 7 days a week. Their daily wage will depend on their productivity. A day's hard labor would earn a labor worker between

\$10-\$15. Over-time is reportedly badly compensated (2hours work overtime will earn an extra 2 SRD (0.60\$) with no access to food allowance. Many Haitians complained about the labor intensive tasks allocated to them (carrying banana bunches on their back, climbing trees to protect them with plastic and washing bananas) whilst Surinamese nationals are reportedly appointed to mechanized stations. Many Haitians have also claimed they have been warned by plantation management the only way to obtain papers is to work for them and that they won't be getting their papers if they leave the plantation, suggesting a form of bonded labor.

"In Haiti you have animals to carry produce, in Suriname, you have Haitians"

Haitian man, Kwatta

"To earn my 50SRD a day, I have to die first by carrying 500Kgs of Bananas on my back per day"

Haitian man, Kwatta

"We are treated like slaves on this plantation. We do back-breaking work for little money which is not enough to pay my rent, feed my family and send money back to Haiti".

Haitian man, Kwatta

"...The management gets paid generous money to buy their lunch but we can a mere 2SRD for working 2 hours overtime..."

Haitian man, Kwatta

"...SBBS use to help Haitians with their paper work. Now they do nothing anymore to help get papers. Many illegals are even threatened of not getting their papers if they don't work..."

Haitian man, Kwatta

According to SBBS, the HR department of the company applies for a work permit on behalf of an employee and supports long-term employees in accessing temporary, permanent residency permits and citizenship. This is done through the employment of a Haitian national who is based in an office in Jarikaba and acts as a link between the Haitian workers and SBBS's management. The consultant was unable to interview this individual as he was on sick leave and out of the country for the duration of the consultant's stay in Suriname.

The company also stated that permanent employees and their families have access to the SZF healthcare package (either the package is free or partly covered by the company) and that employees have access to transportation allowances, overtime pay and food allowance for over-time workers. However the company never held a pension scheme and its employees therefore have no access to pension funds once retired. This lack of pension fund was confirmed by Haitians working in Jarikaba who were interviewed by the consultant.

SBBS offers permanent as well as short-term and seasonal contracts to employees. Haitians are reportedly employed for both field and packing station tasks ranging from fertilizing the soil, carrying banana bunches, tree protection and packaging of bananas. However it is a labor intensive industry which is not yet mechanized.

SBBS management has stated that it currently employs 48 irregular Haitians who were employed 6 months ago "by mistake" by the company who explained this 'mistake' by stating that they did not

think of asking to see the employee's passport prior to the employment to check they held the adequate entry visas. As a governmental entity, SBBS is reportedly currently seeking regularization of this group's legal status by the government. As it stands, the situation is currently unresolved. It is noted that Haitians, both regular and irregular have complained about the lack of support provided by SBBS to help them access the relevant permits to stay. Some Haitians interviewed currently working at Jarikaba have been irregular for a couple of years.

Sources amongst the community have confidently stated that the number of irregular Haitians currently working in Jarikaba plantation is over 100. Irregular Haitians working in Jarikaba have produced documentation that showed to the consultant they were currently paying monthly "loonbelasting" (income taxes, an average of 20 to 40% on the salary) as well their ZSF's monthly contributions but were still unlawful in the country and yet to receive their temporary stay permit and healthcare cards. When probed on the reasons why SBBS is expecting Haitians with no legal status in the country to pay income taxes and healthcare provision, they were told by the company these payments are made "in view of regularizing their situation in the country".

Moreover, the Haitian community reported that 6 months ago, the police organized a raid on Jarikaba plantations and arrested 100 Haitian workers without lawful documentations. The deportation was stopped by SBBS when it was pointed out to the government that without this manpower, production will be drastically affected. A recent article in the *De Ware Tijd Online*³⁸ for instance highlighted the crucial need for Haitian manpower in the agricultural sector at a time when the sector, snubbed by Surinamese workers, is undergoing a decline. Suriname's national export of agricultural products has fallen from eighty tons per week 10 years ago to about 35 tons partly due to the uncontrolled use of chemicals, resulting in international bans on its exports due to the imposition of higher food safety standards. The article ended by questioning the negative attitudes of Surinamese nationals towards Haitians and their complaints that "Haitians have invaded the agricultural sector" when Haitians are in fact instrumental to its survival. The 100 Haitians arrested by the authorities were released and allowed to resume work on the plantation though their legal status remains unresolved.

With regards to the deportation procedures in Suriname, the GoS stated that irregular Haitian migrants are not 'an issue to the authorities' and it rarely encounters irregular Haitians in Suriname. Their efforts are concentrated on conducting raids on Brazilian areas in and around Paramaribo (an average of 100 Brazilians are deported every month). Except for a holding facility at Paramaribo Airport, there exists no detention centres in Suriname and an irregular migrant is usually detained in jail. The government is legally obligated to conduct the deportation within 30 days of the arrest at the cost of the individual arrested.

However, according to the Brazilian embassy, some migrants can be detained for much longer and often many months before their deportation. No sources within the Haitian community could provide information on the potential deportation of irregular Haitians and confirm whether indeed this issue affects the community. It is however suspected that the problem does affect the community but at a lesser scale than other communities potentially due to the generally positive

³⁸ Milton Hubard, "Zonder Haitianen, geen sector", *De Ware Tijd*, 15 May 2012

attitude towards Haitians in Suriname. Many Haitians living in an irregular situation have stated they can live relatively peacefully in Suriname without the fear of being targeted or arrested by the police on the streets because of the way they look and their lack of lawful documentation. The “relaxed” attitude of the authority towards migrants has gone some way towards allowing them to survive in Suriname.

“...The good thing about Suriname is that even though I do not have my papers to stay here I can go out without fear. The police won’t bother me if I walk on the streets. In fact you don’t see the police on the streets here. I do not live too much with the fear of being deported anytime...”
Haitian male, Kwatta

“...I don’t like Suriname but at least I can live here safely and in peace. When I leave my home I am not scared about the police finding me. I can get on with my life to some extent...”
Haitian male, Kwatta

“...I was in Cayenne for a while hoping to regularize my situation. But the security issue was so difficult that I had to leave and came to Suriname after hearing that it was a easier to settle here. The language of course is a problem but I don’t have to worry everyday that I may be deported. Of course it is not easy to live without papers but at least they don’t come looking for us...”
Haitian male, Kwatta

SUMMARY

Haitian irregular migrants are central to the proper working and administration of some of the most economically important industries in Suriname. Despite this, they operate at the periphery of society. They are often subjected to abuse and exploitation, including in government run commercial entities which rely heavily on their strong work ethic and willingness to take on tasks that are shunned by ordinary Surinamese. That they are often 'taxed' while being denied basic medical and educational services is a striking example of the extent to which that abuse exists. There is a positive obligation on the state to ensure that individuals such as those referred to above are treated in accordance with international legal standards, including through insuring they are not exploited and that their dignity and well-being are upheld. Failure to do so often results in further abuse and ill-treatment of these vulnerable groups including in contributing to an increase in trafficking and smuggling by creating mechanisms and incentives for the profitable movement of individuals into Suriname for the purposes of labour.

HEALTH ACCESS

According to the Surinamese Constitution (Article 36) every person within Suriname irrespective of nationality has the right to health and the Surinamese government has the positive obligation to guarantee the enjoyment of this right to health.. Neither the Constitution nor treaty health law provisions differentiate on the grounds of nationality.

As seen above, the health costs aspect of access to health services for foreign workers is in general part and parcel of a work permit and stay permit. In practice in Suriname however, the most decisive

factor determining access to primary and secondary healthcare services is the financial capability to cover health costs, either via insurance or out of pocket as seen above and not an individual's legal status in the country. In the consultation meeting with the Ministry of Health, it was reported that cases of tuberculosis and malaria are treated free of costs due to the highly infectiousness nature of these diseases. The rationale for this approach is found in "the public need to protect the Surinamese citizens against an epidemic of these two diseases".

In practice therefore, 'unlawful and undocumented migrants' have unhindered access to healthcare services provided that they can meet the attached financial requirements. Therefore a solvent but unlawful/undocumented resident who can pay out of pocket will not be denied access to healthcare services nor fear to be reported to the authorities as confirmed by irregular Haitians migrants during focus groups. Access complications are primarily anticipated for the insolvent migrant who cannot pay out of pocket.

Many Haitians who are unable to afford the healthcare package in Suriname or pay their ad-hoc medical cost out of pocket are thus unable to access primary health-care in Suriname and have reported to either rely 'on home-made remedies' or ; in urgent and serious medical cases; travel to French Guiana where they can access medical services freely.

"...I cannot afford to pay for this healthcare package. I don't have the money for this. It is a real problem when you get ill though and you need a doctor. People like me end up relying on traditional medicines in the hope that it will cure us. If it is a serious problem though then we opt to travel to French Guiana. They don't turn us away in the hospitals there..."

Haitian man, Kwatta

SUMMARY

Access to appropriate healthcare is a fundamental human right and where it is provided in a manner that is clearly discriminatory, it contravenes international legal obligations. The failure to ensure access to healthcare impacts on other fundamental human rights and can contribute to increased level of infant mortality and the spread of diseases. The situation in Suriname suggests that irregular migrants are often excluded from accessing basic healthcare services. The inability of Haitians, either regular or not, to pay for the healthcare insurance is a clear obstacle to their ability to enjoy this fundamental right. Nationality can be considered as another obstacle as non-nationals are required by law to be self-sufficient and not to become dependent on State support.

EDUCATION ACCESS

According to Articles 37 and 38 of the Surinamese Constitution everyone has the right to free education and the Surinamese government has the positive obligation to guarantee the enjoyment of the right to education.

Suriname has ratified the Convention on the Rights of the Child (CRC). Article 2 of the CRC states that "State parties shall respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's

or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status". Moreover, Article 28 states that "Caribbean States are obligated to provide all children, including migrant children and children left behind, equal opportunity to education". Suriname is therefore obligated to ensure the rights of all the children within its territory, including those of migrant children.

Suriname has an extensive educational system with free schooling compulsory until age 12. The adult literacy rate is approximately 89.6%³⁹. The Government and the Roman Catholic and Moravian Churches provide education for kindergarten through to primary and secondary school. As a rule, all instruction is in Dutch. Teacher training institutes, secondary schools, and technical schools provide terminal degrees. The Anton de Kom University in Paramaribo has faculties of medicine, law, natural resources, and social and technical sciences.

An enrollment fee is payable for public primary and secondary education (currently 10SRD per child per year). Private primary and secondary education would cost 60SRD per year per child. Enrollment at University would cost 675SRD per student per year. The same fees are applicable to both Surinamese and foreigners residing in Suriname. The Ministry of Education has however stated that the government is working on suppressing this fee and making education completely free as stated in the Constitution.

In order to enroll a child at school, parents need to provide the child's birth certificate, proof of the child's vaccinations, the family book and, for higher education enrollment, the child's school's results. If the family has no family book, enrollment of a child can in theory still take place and parents will be granted until the end of the study year to produce the family book. However, such arrangements would be left to the discretion of the school establishment. It is also noted that a Haitian student will have to apply for an 'exemption' to enroll at Antom de Kom University of Suriname as, according to the Ministry of Education, 'priority should be given to Surinamese nationals'.

However, results of the focus groups with the Haitian community have shown that enrollment remains challenging for non-Dutch speaking persons. The Ministry of Education has stated that 'alien parents are not obligated to provide proof of their legal status in the country in order to enroll their child at school'. However when probed further on the need for alien parents to disclose and prove their lawful legal status, the Ministry of Education contradicted its first statement that 'the lack of legal status should not prevent families to enroll their children so as long as the parents can prove that they are in the process of obtaining the relevant permit.' Though left at the discretion of the school establishment to probe into a child's legal status, focus groups with the Haitian community have shown that in 90% of enrollment cases, parents were asked to provide proof of their legal status in the country before enrolling their children as well as the need to provide more documentation than would be otherwise requested from Surinamese families. The documentation from the Country of origin will also need to be officially translated in Dutch before being submitted to the school authorities.

³⁹ UNICEF, 2008

'...I tried to enroll my children in school but when they realized I was Haitian I was asked so much to provide a lot of documents. I do not speak Dutch so for me and my children it was a very difficult process. They ask you to show your passport and you need to prove that you have the right papers to live in this country. If you don't, your child won't be getting access to school. It is a real problem for people who have children in the family who arrived in the country without the right documentation...'

Haitian woman in Uidkijk

According to the Ministry of Health, throughout 1990's, the GoS worked collaboratively with schools and the Haitian community whose members, as stated earlier, were mostly undocumented, to enroll Haitian children in primary school whilst their parents were regularizing their status in the country. School teachers were tasked to act as social workers for the families by taking care of all administrative procedures to facilitate the child's enrollment in school. According to UNFPA, this created a culture amongst school establishment in which school teachers would often act as social workers to support alien families enrolling their children in school. A shift has however taken place in the past 10 years and this facility is no longer available to migrant families who can find the enrollment process cumbersome and challenging. According to UNFPA, this has contributed to create 'a gap in the access and right to education of migrant children in Suriname'.

The focus groups however have showed that 99% of Haitian families interviewed –notwithstanding the above mentioned difficulties - have been able to enroll their children in primary, secondary and further education. As Haitian families regard education as a high priority for their children, there seems to be a common understanding that only through education, will their children be able to improve their socio-economic situation in Suriname. As the first generation of Haitian students has started to graduate from Anton de Kom University, it will be interesting to see in a few years what kind of employment opportunities are provided to them by the GoS.

SUMMARY

The right to education is a further fundamental human right that impacts on the ability to realize other human rights. Though in theory education should be afforded to all children, regardless of their nationality and legal status, in practice, a lack of legal status in Suriname prevents families from ensuring their children's access to education. School establishment often refuse to enroll children where parents cannot provide proof of their legal status in the country. Where parents are unable to regularize their situation for fear of deportation the consequences for their children can be severe and have effect for the rest of their lives. There is clear international jurisprudence that states should not discriminate in the provision of education, either directly or indirectly. Where the effect of legislation is to prevent children of a particular nationality from accessing education this clearly amounts to discrimination. It is critical that Suriname provide equal access to education for children within its territory regardless of their legal status in order to ensure to prevent their marginalisation and to protect their employment and education opportunities in the future.

HOUSING ACCESS

The consultant was able to visit the accommodation of various Haitian families outside Paramaribo during her stay. Haitians who have been in Suriname since the 1980 and who live in situations whereby both parents and adult children work generally own properties of the same size and standard of living enjoyed by the average Surinamese families. The average Haitian household would often include extended family members (siblings, nephews, nieces, cousins, uncles.....).

However, housing remains a challenge for the more vulnerable members of the community. Indeed, Haitians who have considerably less financial means, especially single female-headed household, unemployed single elderly Haitians and newly-arrived Haitians, live in challenging conditions where poverty is rife. Many female single parents will opt to share an accommodation to keep the rental cost down. These houses, made of timbers and plastic, have been described by members of the community as '*shacks an animal would not live in*' and cost an average of \$150 per month.

Moreover, a large group of 40 newly arrived irregular Haitians visited by the consultant lived on an abandoned construction site of houses that were never completed and for which high rent were still being paid to a landlord. This accommodation presented serious health and safety concerns with limited access to electricity and water. It is notable that since last year, rents in Suriname are now payable to landlords in Euros whilst Haitians' wages are paid in Surinamese Dollars.

SUMMARY

Access to proper housing contributes to ensuring a decent standard of living. The housing conditions of some Haitians the Consultant met with clearly did not meet appropriate standards of habitation. Many of the attendant problems, such as lack of sanitary facilities, were contributing to the ill health of residents.

BIRTH REGISTRATION

According to UNICEF⁴⁰, the right to an identity and universal registration should be a priority. In most countries in Latin America and the Caribbean, children without a birth certificate cannot exercise their human rights to the fullest extent possible. Unfortunately in Suriname, a birth certificate is still one of the main requirements for access to education, healthcare and other social services. In the case of Suriname, birth registration has become a factor in contributing to the exclusion of many children migrants from mainstream society.

Articles 21, 22, 23 and 24 of the Suriname Constitution set out the birth registration procedure in Suriname.

Article 21 stipulates that the declaration of birth should be made to the local registrar within three days after delivery. Article 22 states that the declaration of the birth should be made by the child's father or in his absence, by physicians, surgeons, midwives or other persons who were present at the birth. According to article 23, the birth certificate will state the year, day, hour and place of birth; the sex of the child, and the names, forenames, professions and address of parents.

⁴⁰ UNICEF, The right to an identity: birth registration in Latin America and the Caribbean, 2011

As most Haitians live in Paramaribo and the neighboring districts, births take place at Paramaribo's state hospital, 'Landes Hospital'. According to the Ministry of Health, most migrants give birth there as it is the cheapest medical service on offer in Paramaribo. The registration of the child's birth will therefore take place at the Central Bureau of registration (CBB) of Paramaribo. The Ministry of Health stated that the GoS faces issues regarding the number of migrants who abandon their child at Landes Hospital if the child is born out of wedlock or if the parent cannot afford to pay the medical bill.

One identified obstacle to the birth registration process is the need for timely registration to take place immediately following the birth of a child; 3 days in the coastal area and 10 days in the interior. In Suriname, if the birth registration has not taken place within the set deadlines, it leads to a long, drawn out judicial process. Moreover, this dead-line leaves no leeway for cultural determinants; for example, some indigenous peoples have a tradition of not naming a child until a certain time has passed since its birth. Though Suriname enjoyed a birth registration rate of 96% in 2006, the Ministry of Social Affairs stated there are serious problems with the birth registration process as parents often miss the deadline and start attempting to obtain a birth certificate for their child around the age of 3 or 4 years old when the child is enrolling at school.

A further obstacle concerns the quality of services for low-income persons which carries stricter requirements and is more time-consuming. For instance, the mother might be required to go with the father when registering the child or the parents might have to submit their own birth certificates as well as the proof that they legally reside in Suriname should it transpire that the parents are non-nationals.

The Ministry of Social Affairs stated that birth registration is free irrespective of the nationality and legal status of the child's parents in the country. "In theory, anyone can register their children's birth in Suriname. We would not ask an alien parent to provide a proof of his or her legal status in the country. We only ask them to produce their passport as a form of ID and the family book'.

In practice however, many Haitians have confirmed the need to produce proof of their stay-permit in the country before being able to proceed with the registration of their child. Some have referred to difficulties in obtaining a copy of their birth certificates in Haiti. Though none of the Haitians interviewed have reported being unable to register the birth of their child where they held the right documentation (either a temporary or permanent residency permit), this means that migrant parents in irregular situations in Suriname would fail to register their child even when the child is, according to the Suriname Constitution, legally entitled to be registered and become nationals of Suriname. Haitian parents are aware of the importance of birth registration but, as undocumented migrants, they fear being identified and punished by migration authorities and forced to leave the country.

With regard to the situation of children born in Suriname of Haitian parents, Article 5 (1) of the Law on Nationality and Residence (State Ordinance of 24 November 1975 for the Regulation of the Surinamese Nationality and Residence in Suriname (amended 1983)) states that a child born in Suriname from a father or mother who resides in Suriname shall become a Surinamese national when he reaches the age of 18 years, if during an immediately preceding period of three years, the

child's residence or main place of abode was in Suriname; Article 5 (2) states that during the year preceding the attainment of the age of 18 years the child may, if at such time he has a different nationality, notify the authority referred if he does not wish to acquire the Surinamese nationality.

Article 8 states that the Surinamese nationality may be acquired by naturalization. In order to submit a request for naturalization, the petitioner must be of legal age (18); must have resided in Suriname in the last five years, or must have been born in Suriname of parents without or of unknown nationality.

Research amongst the community has shown that all children were documented and held the Haitian nationality. At the age of 18 years old though, the child can choose to access Surinamese citizenship and follow the naturalization process as described above. Haitian children interviewed had various experiences accessing their Surinamese nationality. Whilst some were able to access it in a speedy manner, others were struggling with the naturalization process due to the challenges identified earlier.

SUMMARY

Registration at birth prevents situations of statelessness from occurring in the first place. An important safeguard against statelessness is that every child has the right to an identity and be entitled to receive the nationality of the country of origin or the country where he or she was born. This also ensures that those children are not subject to discrimination throughout their lives. While in Suriname, in theory, the legal framework is in place to prevent such occurrence, in practice irregular Haitian migrant parents may fail to register their children on the basis of their need to justify their legal status in Suriname during the birth registration process and for fear to be subject to state sanctions on account of their status. The state of Suriname has therefore a positive obligation to ensure the birth registration of all migrant children regardless of their legal status and in order to prevent the destructive effect of statelessness, their marginalization and protect their future.

CONSULAR SERVICES

“...Without a Consulate in Suriname, Haitians are like a goat lost in the mountains without its mother...”

Haitian Man, Jarikaba

The Haitian community used to enjoy the services of the Honorary Haiti Consul to Suriname which operated his consulate from Waterkrant 22 in the Centre of Paramaribo city centre. Mr Vervuurt held this position for 25 years before retiring in January 2012. The consulate provided reduced consular services but ensured that all administrative matters were processed on behalf of the Haitian community of Suriname (application for passport, passport renewal, birth/marriage/death certificate).

Since his retirement, which was formally acknowledged by Haiti government in June 2012, no replacement for the position has been provided to the community. A temporary measure was implemented whereby a staff member from the Haiti Consulate in Curacao was sent to Suriname to

collect applications and queries. The out-processing would take place at the Haiti Consulate in Washington DC before being sent back to Curacao and finally Suriname. This staff member reportedly traveled to Suriname in January 2012, met with the Haitian community to discuss their needs, collected passports for processing but has yet to return. No updates were provided to the community since. It is reported that Haiti government is in no position to further finance the cost of a consulate as they consider the number of Haitians present on the Surinamese territory too low to justify such expense.

The lack of consular services is a major source of concern to the community which has unanimously expressed its frustration and angst at the lack of such services. Some Haitian families have resorted to travel to Cayenne and try to access the services of the Haiti consulate in French Guiana by providing the address of a family member or a friend in Cayenne. This costly solution is only open to individuals who have the financial means to undertake such travel and who benefit from connections in French Guiana.

“...We need consular services in Suriname. I have to renew my passport. What am I supposed to do when I need to renew my temporary stay-permit and I have no valid passport?...”

Haitian woman, Paramaribo Market

“...We need some form of representation in this country and some form of protection, someone to turn to if we need to, if we face problems. Right now, there is nobody to turn to and it scares many of us. Can UNHCR help us?...”

Haitian woman, Paramaribo Market

‘...The Honorary Consul has retired and he is not replaced. This is a real problem for us Haitians and nobody seems to be doing anything about it. How are we supposed to be getting our documents in order? My passport is expired and I cannot renew it.’

Haitian woman, Uidkijk

SUMMARY

The absence of consular services in Suriname leaves many Haitians without the support, advice and consular protection available to other migrant communities. Its impact can be seen in particular where applications are made for temporary, permanent stay permits, citizenship or where issues arise concerning passports or other documentation such as application for Haitian citizenship. The current situation needs to be addressed as a matter of urgency however at the time of writing this report no steps were being taken to address this serious shortcoming.

INTEGRATION

“...Haitians in Suriname are downtrodden. This comes from a tradition of having been kept in their place. They are quiet and fearful people...”

Michael Vervuurt, former Haiti Honorary Consul

While the situation and needs of the Brazilians and Chinese communities have been well documented by the GoS, civil society and various media outlets, there is very little official information available on the Haitian community in Suriname, a fact recognized by both civil society groups and the Government of Suriname. As stated above, there is no reliable data available regarding the numbers of Haitians residing in Suriname and it became apparent to the consultant that the Haitian community has little if any visible presence in Paramaribo and little interaction with Surinamese. Finding Haitians in the public sphere proved challenging.

There are no Haitian businesses, restaurants, cafes or bars in Paramaribo. The Haitian community does not reside in one geographical area of the city unlike the Brazilian community for instance whose presence is particularly conspicuous in a quarter of Northern Paramaribo popularly known as Klein Belém (Little Belem), where there exist a cluster of Brazilian businesses and where Portuguese is widely spoken on the streets. Haitians rather are scattered outside Paramaribo, mostly in the districts of Wanika, Kwatta and Saramacca, while Haitian churches mostly operate informally out of Paramaribo city.

Indeed, the GoS⁴¹, described Haitians as ‘the backbone of the agricultural sector in the country, hardworking and peaceful’; their contribution therefore labeled as both ‘crucial and beneficial to the economy and Surinamese society as whole. The lack of interest in and engagement with the Haitian population was explained by GoS as being partly due to their relatively small numbers on the territory compared to the most prominent migrant groups, and what was described as the ‘trouble-free attitude of Haitians.

Everyone interviewed, the government, civil society and Surinamese nationals, agreed that the Haitian community is seen as hard working, trustworthy, reliable and honest. Considering the positive opinion the Haitian community seems to enjoy in Suriname, it is surprising the GoS is not doing more to assess their situation and their needs in the country and work towards a better integration of the community. After 35 years on the territory, integration of the Haitians into Surinamese society seems to be wanting as suggested for instance by the low rate of accession to citizenship.

Poverty is rife amongst members of the Haitian community, who struggle to make ends meet due to the low salaries earned in the primary sector, the cost of primary and secondary healthcare, and the high cost of living, including prohibitive rents required to be paid in Euros. Remittances to Haiti to support family members and extended family also add to the economic pressure on Haitian families. In fact, the financial capacity to send such remittance in US\$ back home is the primary source of concern amongst the Haitian community regardless of their socio-economic conditions in Suriname. The ‘duty’ to send such remittances will often financially burden families in Suriname and negatively impact on their living conditions.

⁴¹ Interview conducted with Michiel Raafenberg, Deputy Permanent Secretary of Geopolitical Affairs, Ministry of Foreign Affairs.

Though the unemployment rate amongst Haitians is very low, they are, for the most part, still working in the primary sector and have not been provided opportunities to move away from agricultural work as the Chinese community was able to do for instance (most food shops in Suriname are run and owned by Chinese). In fact, as the government has just invested in 9000 hectares of agricultural land in Nickerie district discussions are taking place around the possibility of filling outstanding labor positions by inviting a group of Haitians laborer from Haiti.

Mixed marriages do not seem to be the norm and Haitians tend to marry within the community or through arranged marriage with people from Haiti. There exists no platform for the promotion of Haitian culture in Suriname either. There is little understanding of both Haitians and Haiti to the frustration of the Haitian community whose patriotic tendencies and pride in their cultural heritage make them open to opportunities to promote their culture in the public sphere in the same way as the Indians, Indonesians, Javanese and Chinese.

Furthermore, unless they are students at the university or religious pastors, most Haitians do not speak Dutch. Some have been able to master 'Sranan', the creole-street dialect in use in Suriname but most Haitians do not speak any languages other than Haitian Patois which causes severe limitations to their integration prospects.

Finally, members of the Haitian community have reported facing racial discrimination from the Surinamese society. Many Haitians have for instance expressed the malevolent attitude towards Haitians due to their hard working ethics. Many have criticized the actions of the police when they complain about illegalities committed against them by Surinamese nationals. Many Haitians have also complained of being insulted on the streets and called 'slave', 'mud people', 'smelly people' and 'voodoo-people'.

"...There is no respect for Haitians in Suriname. It is like we do not exist. We need representation in this country..."

Haitian woman, Paramaribo market

"...Haitians work very hard in this country but we are not valued by the Government. They don't respect us..."

Haitian man, Kwatta

"...We need to be recognized by the government and respected and maybe Haitians will stop being mistreated by the community..."

Haitian man, Leylydorp

"...Surinamese are complaining that we Haitians are taking all their work. But we do work they don't want to do. We work hard and they are jealous of us. They are scared that we will end up doing better than them..."

Haitian woman, Kwatta

"...No one knows anything about our country, our people, our culture. We would like to be given better opportunities in this country..."

Haitian woman, Paramaribo market

SUMMARY

Integration is understood as the process of inclusion of migrants in the institutions and relationships of the host country. While integrating migrants is crucial to formulating policies, creating legal and administrative frameworks and collecting statistical data, integration must also take place at the grassroots level so that migrants can feel they have a stake in society. It is clear that Haitian migrants in Suriname remain outside mainstream society and that attitudes towards them vary from disinterest to hostility. They seem to be the least visible of Suriname's migrant community and their status can perhaps best be summed up by a statement from a Haitian migrant referred to above "in the face of adversity remain silent."

IV CONCLUSION

In a country where citizenship acts as an effective dividing barrier, the situation of Haitians in Suriname raises concern. After 35 years on Surinamese territory, Haitians remains invisible politically, economically, socially and culturally. Their social structure has barely evolved since the

first Haitians arrived in Suriname in 1977; their entire life in Suriname having been dedicated to extreme hard labour to enable them to look after their families both in Suriname and Haiti.

Suriname's attitude towards migrants has become 'ambivalent'. On the one hand, the authorities recognizes its crucial need for migrants' skills and manpower to support the country's development efforts by for instance employing them in sectors that have been completely abandoned by Surinamese nationals but on the other hand, it is highly reluctant to advocate and promote the assimilation and integration of migrants into mainstream society by adopting policies that promote their integration on its territory.

Though the rule of law in Suriname stipulates that basic human rights such as the right to access education, the right to housing, the right to primary healthcare and the right to an identity should be equally afforded by all, the state's practices are discriminatory towards non-nationals who often have to undergo lengthier, more complex and costly procedures before gaining access to essential services. The issue of statelessness remains a real threat to irregular migrant who cannot access their basic rights without proving their legal status in the country. Moreover, the government's social incentives and provisions are only available to Surinamese nationals thereby neglecting the needs of vulnerable migrant communities who have a long standing presence on its territory and a have made a positive contribution to furthering Suriname's economic interests.

Haitians in Suriname live in limbo, at the fringes of mainstream society and are neglected by the government of Suriname and Haiti to such an extent that they no longer enjoy access to crucial access to consular services on Surinamese territory. Haitians have a long standing presence in Suriname and yet many members of the community are unable to move forward and survive on temporary stay-permits at the mercy of exploitative employers and influential community members. Newer arrivals of irregular migrants have been employed to work on state-owned plantations paying income taxes and healthcare contributions yet, living day by day with the anguishing spectrum of deportation.

The government of Suriname and local NGOs must ensure that migrant communities are protected from arbitrary expulsions and economic exploitation by ensuring that guidelines and procedures are in place to safeguard their rights in accordance with international legal standards. Though the situation of migrants' communities have barely been documented in Suriname, it is hoped this report may lead to further and better understanding of their situation in Suriname and the problems encountered by those who risk everything in search of a better life.

V RECOMMENDATIONS TO UNCHR

- UNHCR to ensure adequate systems are put in place to allow for the identification and screening of asylum claims in accordance with international standards.

- UNHCR to seek to counter prejudices held against Haitian communities.
- UNHCR to guarantee the right of Haitians to be free of all forms of discrimination, as enshrined in international standards, paying a particular attention to women and children.
- UNHCR to promote access to effective remedies including equal access to national courts and the judicial system, for Haitians who have been subject to discriminatory practices.
- UNHCR, with other actors, to promote Suriname's ratification and implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the 1961 Convention on the Reduction of Statelessness.
- UNHCR to ensure that arrests and deportations by immigration officials and military personnel, especially at the borders, are conducted with due respect for international refugee law, human rights and the rule of law and that all complaints of abuse are promptly, independently and impartially investigated.
- UNHCR to ensure that detention measures are in conformity with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and that adequate detention conditions should be provided at all times including prior to and during the expulsion process.
- UNHCR to ensure that measures are implemented to prevent illegal trafficking of Haitians, in particular over the activities of recruitment agents in Haiti and the falsification of documents. A campaign of public education in Haiti and Suriname could educate potential migrants on the realities that they will face.
- UNHCR to ensure that censuses carried out by the authorities allow for respondents to indicate freely their ethnic, racial and/or national origin; to ensure that the findings are not be used to potentially victimize certain communities or as a basis for deportations; to ensure that findings are used to design development programmes for those communities with the full participation of representatives of the Haitian community and other migrant communities to enable them to achieve full and effective enjoyment of their rights.
- UNHCR to ensure the full implementation of the provisions of the UN Convention on the Rights of the Child and ensure that the best interests of migrant children and descendants of migrants, especially with regards to birth registration and naturalization, is of primary consideration in all actions concerning them during every phase of their presence in Suriname regardless of their legal status or that of their parents.
- UNHCR to urgently advocate for the re-opening of consular services for Haitians in Suriname.
- UNHCR to seek clarifications on the status of the reported 100 irregular Haitian workers of SBBS.

- UNHCR to promote and support the development of transparent, accessible and non-discriminatory procedures to ensure that migrants employed in Suriname can obtain temporary work and residency permits, and, within reasonable time, citizenship, and be guaranteed protection under relevant labor codes.
- UNHCR to promote the economic, social and cultural rights of Haitian migrants including the right to an adequate standard of living. In particular, to support the government to take steps to end unlawful and discriminatory practices that put obstacles to non-nationals' access to public services.
- Promote, with other actors, the human and labor rights of all Haitian migrant workers in the workplace, irrespective of their migratory status.
- UNHCR to promote the government's assessment of migrants' legal status on an individual basis and in full compliance with human rights standards. UNHCR should encourage the authorities to publish statistics of deportations, and full details of the conditions under which they were carried out.

