



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

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Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted
by States parties under article 9 of the Convention**

List of themes in relation to the combined thirteenth to fifteenth periodic reports of Suriname (CERD/C/SUR/13-15)

Note by the Country Rapporteur

The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. This document contains a list of such themes. This is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

1. Statistics on the ethnic make-up of the population and socioeconomic indicators

- (a) Insufficient data on the enjoyment of economic, social and cultural rights by the various sections of the State party's population (CERD/C/SUR/CO/12, para. 15).
- (b) Insufficient data on the representation of the various ethnic groups at different levels of public life.

2. Degree to which the Convention is reflected in domestic law and the institutional and policy framework for its implementation (arts. 1, 2 and 4)

- (a) Updated information on the measures taken to establish the Constitutional Court (CERD/C/SUR/CO/12, para. 11; CERD/C/SUR/13-15, para. 20).
- (b) Article 106 of the Constitution, which grants the judiciary full competence to rule in cases when domestic legislation is incompatible with the Constitution or with the human rights provisions of any convention (CERD/C/SUR/13-15, para. 21).
- (c) Information on clear definitions of racism, xenophobia and related hate crimes in national legislation, and on the parameters for such definitions; legal and policy



measures for the elimination of racial discrimination (CERD/C/SUR/13-15, paras. 22, 23, 25 and 26).

(d) Information on judicial and non-judicial remedies provided for by legislation on racial discrimination.

(e) Progress made to establish a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

(f) Lack of any explicit prohibition of organizations that promote and incite racial discrimination (CERD/C/SUR/13-15, para. 56).

(g) Information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level (CERD/C/SUR/CO/12, para. 21).

3. Situation of indigenous peoples, ethnic communities and other minorities (arts. 1 and 2-7)

(a) Updated and detailed information on the efforts taken to give effect to the Committee's decisions under the early warning and urgent action procedures in 2005 (see A/60/18, para. 19) and 2006 (A/61/18, para. 19), in particular to:

(i) Ensure legal acknowledgement of the rights of indigenous and tribal peoples to possess, develop, control and use their communal lands and to participate in the exploitation, management and conservation of the associated natural resources;

(ii) Strive to reach agreements with the peoples concerned, as far as possible, before awarding any concessions;

(iii) Ensure that indigenous and tribal peoples are granted the right of appeal to the courts, or to any independent body especially created for that purpose, in order to uphold their traditional rights, their right to be consulted before concessions are granted and their right to be fairly compensated for any damage;

(iv) Elaborate a framework legislation on the rights of indigenous and tribal peoples.

(b) Lack of recognition of indigenous and tribal peoples as juridical persons (CERD/C/64/CO/9, para. 14). Insufficient adequate and effective remedies provided to ensure collective rights within the domestic legal system (CERD/C/SUR/CO/12, para. 19).

(c) Reported cases of forcible relocation of indigenous communities.

(d) Information on any progress made in the implementation of the peace agreements of 1992 (CERD/C/SUR/CO/12, para. 18).

(e) Updated information on the safeguards in place to ensure that the State party, when taking legislative or administrative decisions that may affect the rights and interests of indigenous and tribal peoples, endeavours to consult and obtain the informed consent of the latter (CERD/C/SUR/CO/12, para. 14). Measures taken to ensure effective participation of indigenous communities in political and public life.

(f) Updated information on the efforts taken to implement the judgements of the Inter-American Court of Human Rights in the *Saramaka People* case, the *Moiwana Village* case (CERD/C/SUR/CO/12, para. 18; CERD/C/SUR/13-15, paras. 13 and 14) and the *Kaliña and Lokono Peoples* case.

(g) Updated information on any steps taken to regulate small-scale gold mining, so as to prohibit mercury pollution and to clean up waterways that have been contaminated (CERD/C/SUR/13-15, paras. 45–48).

(h) Updated information on the measures taken since the appointment of a presidential commissioner on land rights as adviser to the President.

(i) Reported social marginalization and stigmatization experienced by persons belonging to indigenous and tribal peoples when they relocate to main cities.

4. Economic, social and cultural rights of minority ethnic groups and other vulnerable groups (art. 5)

(a) Reported discrimination of persons belonging to indigenous and tribal peoples, in particular children, in access to services, education and employment (CERD/C/SUR/CO/12, para. 15).

(b) Updated information on any measures taken to preserve the native languages of the indigenous and tribal peoples, including the introduction of bilingual education (CERD/C/SUR/CO/12, para. 16).

(c) Updated information on the establishment of any special measures regarding disadvantaged groups (CERD/C/SUR/13-15, para. 36).

5. Access to justice (art. 6)

(a) Information on any complaints, prosecutions and convictions for racist and xenophobic offences that have come before the courts and reparation provided to victims.

(b) Measures taken to facilitate effective access to justice for vulnerable groups, including indigenous peoples, in accordance with the Committee's general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system (CERD/C/SUR13-15, paras. 71–73).