

Corporal punishment of children in Suriname: Briefing for the Universal Periodic Review, 25th session, 2016

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Global Initiative to
**End All Corporal Punishment
of Children**

The legality and practice of corporal punishment of children violates their fundamental human rights to respect for human dignity and physical integrity and to equal protection under the law. Under international human rights law – the Convention on the Rights of the Child and other human rights instruments – states have an obligation to enact legislation to prohibit corporal punishment in all settings, including the home.

In Suriname, corporal punishment of children is lawful, despite repeated recommendations to prohibit it by the Committee on the Rights of the Child and recommendations made during the 1st cycle UPR of Suriname (only partly accepted by the Government).

We hope the Working Group will note with concern the legality of corporal punishment of children in Suriname. We hope states will raise the issue during the review in 2016 and make a specific recommendation that Suriname clearly prohibit all corporal punishment of children in all settings including the home.

1 Review of Suriname in the 1st cycle UPR (2011) and progress since

- 1.1 Suriname was reviewed in the first cycle of the Universal Periodic Review in 2011 (session 11). The issue of corporal punishment of children was raised in the compilation of UN information¹ and the summary of stakeholders' information.² A number of recommendations were made to prohibit corporal punishment: the Government accepted the recommendation to prohibit it in schools but rejected recommendations to prohibit it in the home and other settings, stating that ministerial instructions not to use corporal punishment are regularly sent to schools, that regulations are in place with regard to youth in prison, and that the Act on Domestic Violence has begun to combat corporal punishment of children in the home.³
- 1.2 Suriname ratified the Convention on the Rights of the Child in 1993. Prohibiting and eliminating all corporal punishment of children in all settings including the home – through law reform and other measures – is a key obligation under the Convention on the Rights of the Child and other human rights instruments, though it is one frequently evaded by Governments.
- 1.3 **We hope the Working Group will note with concern the legality of corporal punishment of children in Suriname. We hope states will raise the issue during the review in 2016 and make a specific recommendation that Suriname clearly prohibit all corporal punishment of children in all settings including the home.**

¹ 21 February 2011, A/HRC/WG.6/11/SUR/2, Compilation of UN information, para. 18

² 21 February 2011, A/HRC/WG.6/11/SUR/3, Summary of stakeholders' information, para. 2

³ 11 July 2011, A/HRC/18/12, Report of the working group, para. 72; 13 September 2011, A/HRC/18/12/Add.1, Report of the working group: Addendum, para. 13; 13 September 2011, A/HRC/18/12/Add.1, Report of the working group: Addendum, para. 9

2 Legality of corporal punishment in Suriname

Summary of current law and reforms needed in order to achieve prohibition

Corporal punishment of children in Suriname is unlawful in the penal system but it is lawful in the home, alternative care settings, day care and schools. Achieving full prohibition requires the enactment of legislation clearly prohibiting corporal punishment in these settings. The drafting of a new Criminal Code provides an immediate opportunity for achieving the necessary reforms.

- 2.1 **Home (lawful):** Article 351.220 of the Civil Code states that parents are obliged to maintain and educate their minor children. There is no defence for the use of corporal punishment enshrined in law, but provisions against violence and abuse in the Code of Criminal Law, the Act on Domestic Violence and the Constitution are not interpreted as prohibiting all corporal punishment in childrearing. A new Criminal Code is being drafted.
- 2.2 **Alternative care settings (lawful):** There is no prohibition of corporal punishment. In 2011, following the Universal Periodic Review of Suriname, the Government reported that public debate and the process of implementing regulations for day care centres was ongoing.⁴ A Framework Bill on Care Institutions and a draft law on foster care are under discussion.⁵
- 2.3 **Day care (lawful):** There is no explicit prohibition of corporal punishment in early childhood care (nurseries, preschools, crèches, etc) or in day care for older children (after-school childcare, childminding, day centres, etc).
- 2.4 **Schools (lawful):** Ministerial directives have regularly advised schools against using corporal punishment since 1942, but there is no prohibition in law. In reporting to the Committee on the Rights of the Child in 2014, the Government confirmed that while there is a ministerial decision against corporal punishment in schools there is no prohibition in legislation.⁶
- 2.5 **Penal institutions (unlawful):** Corporal punishment is considered unlawful as a disciplinary measure in penal institutions. It is not among permitted measures in the internal regulations governing the penal institution, but there is no explicit prohibition.
- 2.6 **Sentence for crime (unlawful):** There is no provision for judicial corporal punishment in criminal law.

3 Recommendations by human rights treaty bodies

- 3.1 **CRC:** The Committee on the Rights of the Child has twice recommended prohibition of corporal punishment of children in Suriname – following examination of the initial state party report in 2000 and the second report in 2007.⁷

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⁴ 13 September 2011, A/HRC/18/12/Add.1, Report of the working group: Addendum, para. 9

⁵ 4 May 2015, CRC/C/SUR/3-4, Third/fourth state party report

⁶ 4 May 2015, CRC/C/SUR/3-4, Third/fourth state party report, para. 75

⁷ 28 June 2000, CRC/C/15/Add.130, Concluding observations on initial report, paras. 41 and 42; 18 June 2007, CRC/C/SUR/CO/2, Concluding observations on second report, paras. 36 and 37

The Global Initiative to End All Corporal Punishment of Children has regularly briefed the Committee on the Rights of the Child on this issue since 2002, since 2004 has similarly briefed the Committee Against Torture, the Committee on the Elimination of Discrimination Against Women, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, and in 2011 began briefing the Committee on the Rights of Persons with Disabilities.