

Suriname 2016 UPR: Joint Submission from the United Nations Country Team for Suriname

Introduction

This report is the joint submission of the UN Country Team in Suriname (“UNCT”) and highlights some of the key issues that the UNCT would like to address.

Background and framework

A. Scope of international obligations

The UNCT Suriname notes that during the 2011 Universal Periodic Review of Suriname (“2011 UPR”), the country received numerous recommendations to ratify or accede to various international human rights treaties. Since the 2011 UPR, Suriname has ratified/acceded to the following:

1. 2012: Suriname ratified the CRC Optional Protocol on the sale of children, child prostitution and pornography.
2. 2015: Suriname ratified the Convention on the Rights of Persons with Disabilities.

Recommendations

1. Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
2. Accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
3. Ratify the International Labour Organization Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries

B. Constitutional and legislative framework

Since the 2011 UPR, the Government of Suriname (“GOVSUR”) passed significant human rights related legislation which is now in effect:

1. 2009: Amendment of the Penal Code on **sexual abuse and exploitation of children**
2. 2012: Bill against **Stalking and Harassment**
3. 2014: Bill on **Care Institutions Code**
4. 2015: Revised the Criminal Code to **abolish the death penalty**
5. 2015: Revised the Criminal Code to **raise the minimum age of criminal responsibility from 10 to 12 years old**
6. As part of **Suriname’s 2012-2016 Development Plan**, the Government of Suriname introduced new social protection legislation:
 - October 2014: new legislation establishing **national basic health insurance** (all children 0-16 years and all senior citizens aged 60+ have access to healthcare);
 - December 2014: new legislation on **pensions**;
 - In January 2015, new legislation on **minimum wage**.

Recommendations

Approve all pending draft legislation addressing the rights of children and women including the following:

- a. Bill on Foster Care and the Registration of Foster Children - regulating the care for children when placed with foster families;
- b. Bill on the Child Ombuds Bureau - establishing an independent institution to serve in monitoring capacity with the authority to hear regarding children's rights;
- c. Revision of the Law on Compulsory Education - this legislation looks at mandatory education/school attendance for children ages 4-16 years.
- d. Bill on Maternity Leave – regulating maternity leave in private sectors;

C. Institutional and human rights infrastructure and policy measures

1. In 2015, the GOVSUR passed legislation establishing a **National Human Rights Institution**. However, the legislation does not specify the mandate of the new body. It should also be noted that this new human rights institution is not independent as it would fall under the direction of the Ministry of Home Affairs and subsequently the Cabinet of the President.
2. There is currently a **Human Right Desk** in the Ministry of Justice & Police. Its main function is to provide policy and legal support to the State regarding violations of human rights by the State. It does not provide primary human rights services to clients i.e. handling complaints, referral services.
3. The Ministry of Justice & Police also operates the **Bureau for Victim's Assistance**, which operates with a decentralized structure. The Ministry of Health has initiated discussions regarding situating human rights desk in the Bureau of Victim's Assistance. During its last examination before the CRC Committee, Suriname received the recommendation to establish an independent National Commission on Child Rights. The proposed Child Ombuds Bureau would play an independent monitoring role and also serve as a mechanism to receive complaints of rights violations. Although legislation has been drafted to create such a body, it has not yet been presented to Parliament.

Recommendations:

1. Clearly specify the mandates and tasks of the **National Human Rights Institution**.
2. Establish the **Child Ombuds Bureau**.

Cooperation with human rights mechanisms

A. Cooperation with treaty bodies

Since the 2011 UPR, Suriname submitted the following reports to treaty body mechanisms:

1. In 2013 Suriname submitted its 3rd and 4th combined periodic report to the Committee on the Rights of the Child.
2. In 2013 Suriname submitted 3rd periodic report to the Human Right Committee.

B. Cooperation with special procedures

The Special Rapporteur on the rights of indigenous peoples in 2011 conducted a mission to Suriname in March 2011. The mission was in the context of Suriname's implementation of the 2007 judgment of the Inter-American Court of Human Rights. During the visit, the Special Rapporteur met with representatives of the Government, including the Vice President; the Ministers of Regional Development; Justice and Police; Foreign Affairs; Natural Resources; Land

and Physical Planning; and Labour, Technology and Environment; as well as others from the Council of Ministers.

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

A. Equality and non-discrimination

During the 2011 UPR, Suriname received recommendations to initiate awareness-raising campaigns and programmes on human rights in general and on the rights of women and children in particular. While the Government at times does make mention of Human Rights in official documents and remarks (very often reference is made towards equal rights of women, rights of the child for example) there is no clear and concrete government policy towards the promotion of human rights in general and the rights of women and children in particular. The government developed an 18 month, postgraduate '**Human Rights Diploma Program**' to strengthen the capacity of qualified human rights experts. 18 government employees graduated successfully in June 2012. The availability of these human rights experts is expected to significantly contribute to increasing government awareness on international human rights, particularly with regard to policy and programs as it relates to women and child rights.

Rights of children

1. In response to one of the recommendations from the CRC Committee, the GOVSUR designed a **National Action Plan for Children (2009-2014)**. The action plan outlines the responsibilities for each line ministry with respect to the implementation of the CRC and a monitoring mechanism comprised of focal points appointed by the various Ministries and to be chaired by the Child Rights Bureau was established. A draft evaluation report has been prepared, however the UN partners were not engaged in this process. The draft evaluation has to be reviewed by the Board of Ministers.
2. The **Presidential Taskforce (PTF) for Children and Youth** monitors the implementation of the Child and Youth Policy. In 2013 the PTF presented a National Policy Plan for Children and Adolescents 2012-2016, including an Action Plan. The PTF falls directly under the President and members of the PTF are experts in various areas of children and youth. Main tasks of the committee are: development of integrated policy, development of an action plan, monitoring of the implementation of the plan and advising the President on urgent priority interventions.
3. The Ministry of Social Affairs and Housing hosts a **Child Rights Bureau** which has a mandate to coordinate and monitor the implementation of the Child Rights Convention (CRC) and is responsible for reporting to the CRC committee. The Bureau also conducts CRC education and awareness raising activities on national level and is the national focal point for all issues regarding children.
4. **Corporal punishment** is not prohibited by law in the home, alternative care settings, day care, schools and penal institutions. Legal provisions against violence and abuse are not interpreted as prohibiting all corporal punishment in childrearing. While in the Domestic Violence Act prohibits corporal punishment by parents or other caregivers, other legislation needs to be aligned to properly reflect the prohibition. With regard to schools, since 1942 ministerial directives have regularly advised schools against using corporal punishment, but there is no prohibition in law. Corporal punishment is not among permitted measures in the internal regulations governing the penal institutions, but there is no explicit prohibition.
5. Children can also be subjected to psychological or physical punishment at school. While hard data is lacking, based on reports to the school inspectorate, children are subjected to corporal

punishment and psychological ill treatment in schools. Children in institutional care are also at risk of violence, exploitation, abuse, and neglect, including children with disabilities.

6. The Criminal Code includes a number of provisions to protect children from physical violence and sexual violence in particular. Violence is explicitly mentioned, as well as assault, where there is a distinction between simple and severe forms of assault from. Intercourse with children and prostitution are explicitly made punishable. The GOVSUR is currently developing legislation and a plan of action on mandatory reporting of (suspicion of) child maltreatment.
7. Reliable data on **child abuse and sexual violence against children** is lacking, although recent data from the Ministry of Justice and Police shows alarming numbers of minors being victims and perpetrators of sexual violence.
8. In 2014 the police registered 102 cases of physical abuse and 191 cases of **child sexual abuse**. As it is estimated that between 3 and 10% of children are victim of physical and/or sexual abuse¹, the officially registered number appears to be the tip of the iceberg. The vast majority of sexual abuse victims are girls, with an average of almost 90%. Sexual abuse is most prevalent in the age range 0-14 years. Almost all perpetrators are male, including boys (between 20-28%). Adequate shelter, capacity and financing for care of children who are victims of violence and abuse is not available and influences the effective handling of the cases.
9. Although **sexual abuse against children** is penalized in the law, and in spite of the ratification of the relevant optional protocol of the CRC, the number of prosecutions in these cases is still low. Indications are that the majority of sexual abuse remains unreported due to weaknesses in the area of early detection and severe limitation of qualified service providers to counsel and treat child victims.
10. The Ministry of Social Affairs and Housing operates a **free child helpline** which has a positive impact on the community. In 2012, the helpline received 32,931 calls, an average of around 90 calls per day. An evaluation of this helpline showed that a considerable number of children call with problems regarding school (e.g. schoolwork, not being able to attend school, school climate) or the situation at home (e.g. relationship with the caregivers, maltreatment).
11. A number of challenges at the legislative, institutional and service delivery levels exist for children on the whole and in particular in the **juvenile justice system**. Examples include the increase of the age of criminal responsibility (12) that requires other measures to be taken for children in conflict with law; the efficient implementation of the alternative sentences and support systems for children who came in contact/conflict with the law; the absence of separate facilities for all children who have been detained - including girls who are placed with adult women; and the general limited availability of adequate human resources in the social welfare and justice system that hinders the full investment in prevention, treatment and response programmes.
12. Suriname has invested in **Opa Doeli**, a child-friendly youth facility for 12-18 year olds awaiting trial. There is still a need for a correctional facility that meets the minimum requirements for the protection of juveniles deprived of their liberty.
13. Due to the serious lack of adequate residential care many boys and girls, who were in pre detention or released from detention, return to their family without provision for regular and systematic guidance and counselling, or placement in appropriate alternative homes.
14. Children are not always separated from adults in detention, partly due to limited facilities. Girls between the ages of 12 and 18, who have received a custodial sentence and who do not remain at Opa Doelie, are placed in the women's section along with other convicted women in the Santa Boma adult prison.

¹ Preventie en aanpak van kindermishandiging in Suriname – contouren nota, 2011, IGSR.

Santa Boma has a boy's section which accommodates boys convicted before they turn 18. If their sentence extends beyond that age, they remain in the boys' wing until age 21. While theoretically they would then be transferred to the adult section, in practice staff report that they did not receive such cases. Boys from the age of 16 who have been convicted of very serious offences, for example murder, are generally placed directly in the adult wing. Boys are not supposed to mix with adult offenders but reports indicate that there is some contact.

15. While Suriname has made extensive efforts in the field of juvenile justice and social protection of children, developing a comprehensive **child protection system** remains a challenge. Lack of data is a challenge and thus is a constraint for prevention, planning and response.
16. The age of **sexual consent** is 16 years for heterosexual intercourse and 18 years for homosexual intercourse. The legal age of marriage is 15 years for girls; 17 years for boys.

Recommendations

1. Draft legislations considering international regulations and conventions and take appropriate measures to introduce mandatory reporting of abuse, including sexual abuse, of children.
2. Reform legislation on sexual consent so as to provide children with adequate protection against sexual abuse, as well as the necessary measures to eliminate the shortage of alternative care and counselling services and facilities for abused/vulnerable children.
3. Enact legislation that prohibits all forms of physical and mental violence against children in all settings, including the private domain, in schools, in care institutions and in penal institutions.
4. Promote alternative, non-violent ways of discipline and have data and research available.
5. Ensure the conditions for a comprehensive child protection system.

Rights of women and gender equality

1. The **Nationaal Bureau Genderbeleid (National Bureau Gender policy)** was established in 1998 as a department in the Ministry of Home Affairs. The NBG's primary responsibilities include advising the Government on women's rights and gender issues and monitoring the implementation of activities geared toward gender equality. Two Integral Gender Action Plans (IGAPs) have been developed since the NBG was established: the first for 2000-2005; the second for 2006-2010. They were both structured on the basis of the Beijing Platform for Action, and were formulated with participation of civil society organizations, primarily women's organizations. Implementation was poor, mainly due to a lack of coordination and a lack of human and financial resources.
2. The NBG initiated the establishment of a gender management system within government that consisted of gender focal points in the different Ministries to help with the implementation and monitoring of the Integral Gender Action Plan, and networking with other partners. However, the staff of the NBG and the gender focal points are generally junior officials with little or no power to influence or network with parliament or civil society organizations. This limits the organization's effectiveness as an agent of change.²
3. Legislation addressing women's rights and gender equality include the following:³
 - a. **Maternity Leave:** Suriname is the only CARICOM country that does not have a national Maternity Leave legislation. The current law only applies to the public sector which

² WHERE ARE THE WOMEN? A Study of Women, Politics, Parliaments and Equality in the CARICOM Countries Suriname Case Study, UNDP, 2015

³ WHERE ARE THE WOMEN? A Study of Women, Politics, Parliaments and Equality in the CARICOM Countries Suriname Case Study, UNDP, 2015

allows for 12 weeks of fully-paid leave. Women employed in the private sector are left negotiate with trade unions and employers for maternity leave benefits.

- b. **Human Trafficking:** Suriname prohibits all forms of human trafficking through its Criminal Code. In its 2013 Trafficking in Persons (TIP) report, the US Department of State placed Suriname on its Tier 2 Watch List. This classification means that the number of victims of severe forms of trafficking is significantly increasing, and governments do not fully comply with the minimum standards in their respective Trafficking Victims Protection Act (TVPA).
 - c. **LGBT rights:** Same sex sexual activity is not illegal, but there are no antidiscrimination laws with respect to sexual orientation. Same sex unions, marriages, and adoption by same sex couples is not legally recognized.
 - d. **Sexual reproductive rights:** The legal age of consent to sex is 16, but the legal age of majority is 21. Below the age of majority, the law requires parental consent for medical treatment, which effectively restricts access to contraception and other aspects of SRH care. Abortion is illegal in Suriname, except on medical indication.
 - e. **Gender-based violence:** Domestic violence, sexual violence, and sexual harassment are covered by wet Bestrijding Huiselijk Geweld (Domestic Violence Act) of 2009, and in the wetboek van Strafrecht (Criminal Code) Title XIV, offences against morality, articles 292 – 313.
4. Although progress has been made in the area of gender equality, women in Suriname still face significant challenges in this regard. This is revealed by the country's Gender Inequality Index (GII)5/ for 2012 which, at 0.467, resulted in it being ranked at 94th out of 148 countries.
 5. In 2010 the Ministry of Justice and Police opened a facility for female victims of domestic violence and their children.
 6. Implementation of a guidance and counseling programs for perpetrators of domestic violence has been initiated.
 7. In the area of labour force participation, female labour force participation (41%) is low when compared with male labour force participation (69%), and is also below the regional average of 54%.
 8. After the national elections held in May 2015 the percentage of women in Parliament climbed to 30% (up from 9.8%). Four of the seventeen Ministers sworn in are women.

Recommendations

1. Strengthen the Gender Management System within the Government.
2. Continue efforts to enhance the position of women and to provide protection from violence, including by the full implementation of the 2009 Law on Combating Domestic Violence.
3. Address legislative gaps related to rights of women.

LGBT rights

1. The Constitution of Suriname, article 8 protects the rights of persons to live free from discrimination and article 36 states that every citizen has the right to health.
2. The country doesn't have criminal laws against same sex relations or consensual sex between two persons of the same gender, if they are 18 years or older. The legal environment does not allow for discrimination based on sex or gender identity and allows in principle everyone including PLHIV, LGBT persons, SW all benefits of work and health care. There are no legal regulations that specifically address the status of transgender persons.
3. The law prohibits sexual exploitation, including sex work. However in practice sex work is tolerated.

4. Notwithstanding the legal environment, there are anecdotal complaints about human rights violations of PLWHIV, MSM, TGs and SWs such as breach of confidentiality in the health sector about the HIV status and dismissal from work based on HIV status. People in same sex relations and TGs may experience stigma and discrimination from their family or at the workplace. The TB/HIV concept note that was approved for funding by the Global Fund in 2014 recognizes this situation and a few measures are included to work towards correcting this: An inventory of the complaints will be done among the NGOs providing services to document which types of complaints they encounter; based on this inventory a form will be developed to document the complaints.

Recommendation

1. Enact specific legislation on the prevention of discrimination based on sexual or gender orientation.

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

1. The 2012 Caribbean Human Development Report on Citizen Security (“CHDR”) was produced after consultation with and survey of citizens from seven Caribbean countries, among which also Suriname. Respondents were asked questions regarding their general perceptions of crime, domestic violence, evaluation of and confidence in the police and justice system and other areas that provide a profile of the respondents’ perceptions of crime and violence in Suriname. The most serious problems in Suriname were identified by the local respondent to be: 1) the level of unemployment; 2) housing; 3) property crime and 4) cost of food. When asked to group problems by dimension: 39.6% of respondents indicated economic trends (inflation, high prices and employment); 28.7% indicated social/human development (housing, schooling, migration, health, sanitation and poverty); and 21.7% mentioned crime and violence. 65.1% of respondents characterized the level of violent crime in their neighborhood as serious; 29.4% said very serious/out of control and 5.4% indicated that the level of crime in their neighborhood is not serious. After the launch of the CHDR an inter-ministerial working group was established to design an action plan for the government to implement the various recommendations. The working group has not yet generated a report.
2. A special **Trafficking in Persons (TIP)** Unit was established to investigate cases of human trafficking and educate and raise awareness on trafficking. While an anti-trafficking plan has been developed some years ago, it has not been implemented. Limited funding is assigned towards the fight against trafficking and there is limited mention of anti-trafficking policy or the desire to make policy in official national documents/remarks by senior officials.
3. Suriname has one of the highest **suicide** rates in the world, which is also reflected in the proportion of young people committing suicide. In the period 2005-2011, young people, aged 10-24 years accounted for 25% of all deaths due to suicide. An annual average of approximately 15 children died of suicide during that period. Although the trend is fluctuating, statistics further show that children in the age group 15-19 years old account for the majority of child suicides, with a larger share being young girls/women. Results of a Global School-based Student Health Survey (2009) of Suriname, revealed that 14% of students seriously considered attempting suicide while 8% actually attempted suicide during the last 12 months.
4. Although there is great, widespread social concern with the alarming numbers of suicides, the GOVSUR response so far is limited and fragmented.
5. The GOVSUR abolished the death penalty on March 30, 2015. The GOVSUR provided two reasons the death penalty was abolished:

Recommendations

1. Adopt swiftly the necessary legislation and develop a comprehensive anti-trafficking strategy and plan of action to combat trafficking of children and women, especially for the purpose of sexual exploitation.
2. Make all efforts to design the action plan for implementation of the crucial recommendations included in the CHDR.

C. Administration of justice, including impunity, and the rule of law

1. In terms of prison conditions, human rights NGOs in Suriname consider the prison conditions to be poor. There are three prisons, where female and male prisoners are held separately. There have been complaints from NGOs and prisoners that the facilities are unsanitary and overcrowded.
2. The GOVSUR has made significant reforms in the **criminal and civil justice system** to ensure that all citizens have access to justice in a timely and efficient manner. These changes include reducing the detention period and the recruitment of more judges. However the ability of citizens to access justice is compromised by the exorbitant legal costs of securing a lawyer which are beyond the reach of a significant number of citizens. The GOVSUR provides legal aid through provision of lawyers whose fees are paid for by the government. Lawyers are expected to do a number of mandatory social cases per year. However the availability of lawyers is compromised by low legal fees.

G. Right to work and to just and favourable conditions of work

1. About 6% of children in Suriname aged five to fourteen are involved in child labor activities. Differences between urban, rural coastal and rural interior areas are considerable, 3%, 6.5% and 17.8% respectively. Children, primarily boys, working in (illegal) gold mines is a phenomenon that occurs often. The working conditions in the mines are harsh and include the carrying of heavy loads, exposure to mercury, excessive noises and extreme heat. Often children are vulnerable to being crushed by the collapsing of the sand walls in the mine.
2. The GOVSUR has ratified ILO convention 182 and 138 which prohibit labor of children under 15.
3. Although the Ministry of Labor, Technological Development and Environment is responsible for enforcing the prohibition on child labor, the ministry's authority and ability to regulate child labor is unclear.
4. Poor educational opportunities are a main contributor to child labour in the gold mines. The mandatory age of schooling is 12 years old. Children between the ages of 12 and 14 are most vulnerable to child labor because they are not obligated to remain in school. The Minister of Education acknowledges that there is a discrepancy between the mandatory schooling age and the age of minimum age of work.
5. The GOVSUR adopted the State Decree on Hazardous Labour for Young Persons (S.B. No. 175 of 2010) containing a list of hazardous work in which no young persons under the age of 18 might be engaged. The categories of hazardous work set out in the Decree include, among others, activities which involve a high probability of injury; biological hazards; chemical hazards; physical hazards and psychosocial hazards.
6. Regarding the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), published in 2013, the GOVSUR has been indicating since 2010 that a new law on collective bargaining was being drafted with the aim of updating the existing Collective Bargaining Agreements Act, in order to further implement relevant ILO instruments, including the Convention, as well as the Caribbean Community Model Law on the Recognition, Status and

Registration of Trade Unions. The law does not appear to have been adopted as of October 2015.

Recommendation

1. The Government is urged to take concrete actions to eliminate the (worst forms of) child labour and revising the Decree on Labour Inspection, to take into consideration the possibility of authorizing labour inspectors to inspect and supervise the working conditions of children working in the informal sector.
2. Updating the existing Collective Bargaining Agreements Act.

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

The new legislation passed under **Suriname's 2012-2016 Development Plan** increases government support of social security for citizens, specifically on basic health insurance, minimum wage and pensions

I. Right to health

3. Policies have been developed to improve quality of health care, including care for mother and child. The National Strategic Plan HIV 2004-2008 and 2009-2013, National Strategic Plan for Improvement of Primary Health Care. Safe motherhood needs assessment, and Safe motherhood Action Plan, National Policy on Sexual and Reproductive Health and Rights, 2012-2016.
4. The national capacity in emergency obstetric care, the registration system, maternal mortality case investigations and universal access to a comprehensive range of contraceptives, needs strengthening for further reduction of the maternal mortality rate.
5. To enable a further decline in the HIV/AIDS curve it remains important to continue effective promotion of consistent condom use and sufficient availability of affordable condoms, strengthening of a continuum of care for HIV+ persons to enhance HIV treatment adherence and counseling, early detection of HIV, especially among males, further integration of HIV services in general SRH services and improve access of marginalized and vulnerable populations to quality sexual and reproductive healthcare services.

G. Right to education

1. Although Suriname had a net enrolment rate of over 98% for primary education in 2013, the sector is suffering from some challenges which regard the quality of education and access to education in different geographical areas.
2. Only 66.2 % of the children living in urban areas attend secondary school, and for children in the interior, this number is even lower, at 21 %.
3. Research from the Ministry of Education shows that less than 50% of the children in Suriname age 12 to 16 years get some form of junior secondary education. Numerous issues account for the low enrollment but the ministry indicates that a considerable number (do we have more specific numbers?) of pupils do not graduate primary education or drop out.

Recommendation

1. Enact legislation on mandatory education/school attendance for children ages 4-16 years.
2. Improve access and quality to education across geographical areas.

L. Persons with disabilities

1. The 2012 census was the first time Suriname collected data on disability.
2. According to the census data, 2% of children between 0-18 years were reported to have a visual impairment, and less than 1% had a hearing or movement impairment.
3. There are a total of seven homes for specialized care of children with disabilities, including a boarding school for the deaf and hearing impaired.
4. Data on violence against children with disabilities is not available but there is evidence that children with physical or mental disabilities face many challenges such as inadequate care, limited opportunities for an educational career and a social network, and continued experiences of stigma and discrimination.

M. Minorities and Indigenous Peoples

1. Although the Constitution recognized the individual rights to land for all Surinamers, there is still a discussion on recognition of collective rights to land. Since the lands of the Indigenous and Maroons are not effectively demarcated, the GOVSUR launched a project named 'Support for Sustainable Development of the Interior Program' which had to demarcate the land of the people living in the interior.
2. The GOVSUR has made efforts to engage with indigenous peoples and Maroons in a dialogue regarding land rights; however these the regulation of the land rights for the indigenous peoples and maroon remains a pressing matter.
3. One of the main obstacles impacting the living conditions of maroons and indigenous peoples of is unregulated gold mining by individuals and the use of mercury in the mining process which leads to unsafe drinking water.

Recommendations

1. The Government is urged to continue its dialogue with indigenous peoples and Maroons on land rights.