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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
Eighty-seventh session

Summary record of the 2363rd meeting*
Held at the Palais des Nations, Geneva, on Monday, 10 August 2015, at 3 p.m.

Chairperson: Mr. Calí Tzay

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Combined thirteenth to fifteenth periodic reports of Suriname

* No summary record was issued for the 2362nd meeting.

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The meeting was called to order at 3.10 p.m.

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

Combined thirteenth to fifteenth periodic reports of Suriname (CERD/C/SUR/13-15; CERD/C/SUR/Q/13-15)

1. *At the invitation of the Chairperson, the delegation of Suriname took places at the Committee table.*

2. **Mr. Mac-Donald** (Suriname), introducing the combined thirteenth to fifteenth periodic reports of Suriname (CERD/C/SUR/13-15), said that Suriname was a truly multi-ethnic, multicultural, multilingual and multi-faith society, and the Government was committed to the promotion and protection of all human rights. Relations between the numerous ethnic groups and religions were generally amicable, with places of worship of various religions located near each other, and schools affiliated to certain religions accepting pupils from others. The Inter-Religious Council had for 25 years served as a venue for consultation and dialogue between the main religions practised in Suriname and had been instrumental in bringing solutions to major national political impasses. Challenges remained, however, and the Government was committed to doing its utmost to strengthen mutual respect and understanding among the people of Suriname.

3. In response to the need for strengthened social and economic programmes for marginalized and vulnerable populations, the President had launched a social contract, including the adoption of new legislation on a guaranteed minimum wage, old-age pensions and universal health coverage. To address the problem of unequal access to education, health and public services for children from indigenous or tribal groups, new hospitals had been built and health centres decentralized in an effort to make public health care accessible to all. Primary health care was free of charge and specific programmes in three indigenous languages to promote HIV prevention and awareness were being run in indigenous and tribal communities. Child benefits had been increased and were paid quarterly.

4. All ethnic groups were represented in all areas of public life and representatives of tribal peoples were involved in decision-making at every level, from local government to parliament and even the ministerial level. There were currently two presidential advisers of tribal descent. People of indigenous and tribal descent were involved in higher education, as both students and teachers.

5. While statistics were lacking, the Government was aware of the importance of good quality data to inform policy and efforts were therefore being made through the United Nations Development Assistance Framework (UNDAF) for Suriname 2012-2016 to strengthen statistical capacity. Although the Government faced challenges to bring the full spectrum of services to all areas of the country, owing to the remoteness of some places and a lack of financial and human resources, there was no discrimination with regard to access to basic services, including education and health care.

6. The establishment of a constitutional court was currently under consideration. Discrimination and restrictions on human rights were prohibited by law. A national human rights institution was currently being established; it would be a fully independent body and would guarantee transparency. Suriname had been an active participant in the 2009 Durban Review Conference and had participated in the special United Nations efforts to preserve the memory of the men and women of the transatlantic slave trade, including the establishment of a permanent memorial that would serve as a material symbol of an era that should never be forgotten.

7. With regard to the situation of indigenous peoples, ethnic communities and other minorities, he was pleased to note that, to mark the International Day of the World's Indigenous peoples, which had been celebrated the previous day, the country's first indigenous government minister had given an address on behalf of the President. The Government was in continuous consultation with indigenous and tribal communities on the subject of land rights and would work with all concerned to ensure a solution that would preserve the unity of the nation. The State already recognized traditional authority; legislation on the issue would formalize that important relationship. The Government guaranteed local involvement in the formulation of public policy on the use of resources, development planning and potential relocation in areas traditionally inhabited by indigenous and tribal peoples. Given the complexity of the issue of guaranteeing collective land rights to indigenous and tribal communities, efforts were being made to strengthen consultation mechanisms, through a model that reflected the principle of free, prior and informed consent.

8. All persons in Suriname had the right to appeal to the courts. There were no legal obstructions to the enjoyment of property rights by indigenous people or Maroons; all legislation relating to the exploitation of timber and minerals stipulated that the rights of indigenous and tribal communities should be respected. The legal system of Suriname recognized natural persons and legal entities but not the legal personality of ethnic groups. In order to have a legal personality, therefore, an ethnic group would need to form an association. That was not a breach of the legal system but would thwart the traditional customs of those groups, which had been effective for many decades. There had been no cases of forcible relocation of indigenous communities. Several pieces of legislation had been enacted to support the implementation of the 1992 peace agreements and a conference on land rights had been held in October 2011. An action plan had also been adopted in January 2012.

9. Some elements of the judgements of the Inter-American Court of Human Rights in the *Saramaka People* case and the *Moiwana Village* case were being implemented. Representatives of the Inter-American Court were due to visit Suriname in the near future in connection with the *Kaliña and Lokono Peoples* case. Given the active involvement of tribal communities in gold mining, and the attendant challenges with regard to safety, public order and public health, the Government had launched a plan to regulate mining, in particular the small-scale gold mining sector. A presidential committee had been established and had undertaken early consultations with traditional leaders at an extraordinary meeting held in February 2011 at Snesie Kondre, a tribal area. Since that time, the presidential committee had held numerous consultations with indigenous and tribal peoples to exchange views on land rights and the cases lodged with the Inter-American Court.

10. The Government was aware of the importance of education as a tool for sustainable development and was therefore committed to ensuring that all children, wherever they resided, received good quality education. Since school enrolment rates in urban areas were slightly higher than in the interior, measures had been taken, including the construction of new schools and the provision of accommodation for teachers, to increase education coverage. Providing bilingual education in an under-staffed system was a challenge, exacerbated by the fact that each ethnic group had its own language, which children learned as their first language at home. All the languages spoken in Suriname were valued as part of the country's cultural heritage and efforts would be made to ensure that no language became extinct. Lastly, he reported that no complaints of racism or xenophobia had been brought before the courts.

11. **Mr. Avtonomov** (Country Rapporteur), after welcoming the fact that the State party had become an associate member of the Dutch Language Union in 2004, asked

what was being done to support the variety of other languages spoken in Suriname. He asked whether the various Maroon and indigenous languages existed in written form and whether any efforts were being made to codify them, which could aid in their preservation. The State party's report referred to unofficial instruction being given in mother tongues other than Dutch, the official language, in kindergarten and primary school. Was bilingual education compulsory and were there sufficient teachers available to provide it? He asked how the State party intended to increase school enrolment rates still further and whether difficulties were encountered in that respect in the interior of the country.

12. Although the State party's report had been submitted six months late, the delay was not significant in itself. The report would, however, would have been improved by the inclusion of direct answers to all the Committee's points of concern and the recommendations that it made in its previous concluding observations. Noting that the State party was one of the very few countries in the Americas to belong to the Organization of Islamic Cooperation, he asked whether that Organization's Independent Permanent Human Rights Commission had made any recommendations to the State party and, if so, whether the State party had acted on them. He asked whether the State party intended to create a national human rights institution compatible with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (the Paris Principles), whether it planned to make an optional declaration concerning individual communications under article 14 of the Convention and what progress had been made towards establishing a constitutional court, all of which might help in ensuring full recognition for the rights of indigenous and tribal peoples. Emphasizing that the rights of all in society must be upheld and that the development of indigenous groups should not be sacrificed to the interests of other parts of the nation, he enquired about the main obstacles that prevented the State party from fully implementing decisions of the Inter-American Court of Human Rights, particularly with regard to indigenous matters, and taking a holistic approach to the issue. He also recalled that the State party had yet to ratify the amendment to article 8 of the Convention.

13. With regard to the situation of migrants and foreigners in the State party, he welcomed the recent decision to amend the 1975 Law on Nationality and Residence to ensure gender equality in the transmission of nationality and asked whether that amendment was yet in force. Nonetheless, the absence of legislation and procedures on asylum seekers and refugees compatible with the 1951 United Nations Convention relating to the Status of Refugees and the 1967 Protocol continued to prevent regularization of the status of refugees in the State party's territory, despite the fact that the State party had ratified both instruments in 1978. He asked whether Suriname intended to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Although there were no legal obstacles to registering the birth of migrants' children, parents appeared reluctant to apply for registration for fear of administrative problems. In view of the State party's location at the intersection of various trade routes, efforts should continue to develop comprehensive anti-trafficking legislation and to implement it effectively.

14. Welcoming the appointment of the Presidential Commissioner on Land Rights, he asked what progress had been made in the Commissioner's mandated activities, which included awareness-raising and drafting legislation on the traditional authorities of indigenous and tribal peoples. Problems relating to the recognition of community rights for indigenous and tribal peoples might be solved by considering the precedent of the Javanese immigrant communities that had settled in the State party's territory while it was still a colony of the Netherlands, as they had enjoyed a measure of recognition. Although the State party's legislative system had evolved since then, the

fact that it retained the central features of the civil law model might mean that the same solution could be adapted and applied.

15. **Mr. Kemal** said that the State party's report was an improvement on its previous submissions but did not address the Committee's concluding observations satisfactorily. While the various communities within the State party seemed to live in harmony, he expressed concern at the treatment of indigenous peoples and the Maroons. Forests and other natural resources were undoubtedly valuable; however, indigenous peoples who had lived in an area for millennia acquired certain rights. There were serious shortcomings in the manner in which the State party had addressed the issue, not least the fact that indigenous and tribal peoples were not truly recognized as such by the Government, and he encouraged the State party to be more forthcoming in response to the Committee's repeated requests in that regard. Setting aside land as reserves was an encouraging step from the point of view of environmental protection, but how were the communities living there expected to support themselves? Most lived in a manner that was ecologically sustainable, and they should not be deprived of their right to exist and subsist. The Government had acknowledged structural problems in that regard, and he asked how it intended to tackle them so as to ensure that indigenous peoples enjoyed as much protection as others. Despite the difficulties of reconciling the economic interests at stake, he sought assurances that action would be taken.

16. **Mr. Murillo Martínez** asked whether the State party had considered undertaking constitutional reforms with a view to better reflecting the diversity in its population and ensuring that indigenous peoples' collective rights were recognized. Better checks and balances were required and he wondered what prevented the State party from fully applying the decisions of the Inter-American Court of Human Rights. Continued restrictions on the rights of indigenous peoples and Maroons, many of whom lived in the areas richest in natural resources, resulted in unfair conditions that favoured economic interests and he asked how the State party intended to redress the balance and ensure a more equitable distribution of the benefits to be gained from using natural resources while guarding against any negative environmental impact. Lastly, he asked whether the State party had considered ratifying the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and whether any progress had been made towards creating a national human rights institution.

17. **Ms. Hohoueto**, after stressing the importance of up-to-date statistics for the development of effective national anti-discrimination policies, asked whether the State party intended to revise its core document dating from 1998 and allocate sufficient resources and personnel to the Statistics Bureau in order to improve data collection. She also wished to know what steps had been taken to remedy the lack of separation of powers between the legislative and the executive and to ensure the de facto implementation of national legislation aimed at combating racism. In the light of the numerous cases brought under article 8 of the Constitution that were awaiting consideration, she wished to know what measures had been taken to accelerate the establishment of the constitutional court. She also enquired about the appointment process for judges and the training provided to members of the judiciary on the legislative norms and standards designed to combat racial discrimination. Lastly, she asked what measures had been introduced to ensure that indigenous and tribal communities had equal and full access to medical and health-care services.

18. **Mr. Diaconu** asked what efforts had been made to implement the provisions of the United Nations Declaration on the Rights of Indigenous Peoples and to recognize discrimination on the grounds of ethnic origin in domestic legislation. He also wished to know what specific action had been taken to uphold the property and land rights of

indigenous and tribal peoples and recognize their status as juridical persons so that they could bring cases of racial discrimination before the courts without the need to form an association or legal entity. He asked what role the traditional authority for indigenous and tribal peoples played in the development and management of indigenous and tribal communal lands and its relationship with the Government. In addition, he wished to know what programmes had been launched to preserve the cultural heritage of ethnic minorities and uphold their economic, social and cultural rights, particularly their right to be taught in their native language. Lastly, notwithstanding the State party's assertion in paragraph 61 of the report that discriminatory behaviour was a phenomenon that had its roots outside of Surinamese society, he asked what steps had been taken to raise public awareness of racism and racial discrimination and the policies introduced to prevent and combat such practices.

19. **Mr. Bossuyt**, after welcoming the adoption of the amended Criminal Code abolishing the death penalty, asked whether the State party intended to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and the Protocol to the American Convention on Human Rights to Abolish the Death Penalty. He also wished to be provided with additional, detailed data on the composition of the population, including information on the criteria used to define and categorize indigenous peoples.

20. **Mr. Vázquez**, recalling the judgements of the Inter-American Court of Human Rights in the *Saramaka People* case, the *Moiwana Village* case and the *Kaliña and Lokono Peoples* case, asked what measures would be taken to enforce those verdicts. Noting the State party's assertion that article 106 of the Constitution granted the judiciary full competence to rule in cases where domestic legislation was incompatible with human rights provisions of international treaties, he wished to know what efforts had been made to bring domestic legislation, and particularly the Constitution, into line with the provisions of the Convention. Lastly, he enquired about the status of the protocol on free, prior and informed consent for indigenous and tribal peoples. Would additional safeguards be introduced in the future to ensure that the State party took account of the opinions of indigenous and tribal peoples when taking legislative or administrative decisions that affected their rights and interests?

21. **Mr. Yeung Sik Yuen** asked about the composition of the United People's Assembly, which was described in the State party report as larger than the National Assembly. In the event that the two assemblies had different opinions on the election of the President, he wondered whose choice would prevail. The failure to implement the decisions of the Inter-American Court of Human Rights was a matter of concern and should be properly addressed. Moreover, as the establishment of the constitutional court was provided for in the Constitution itself, the State party's compliance with that provision was long overdue. It was thus to be hoped that the court would soon become a reality, since its absence could give rise to serious problems. The administration of justice could be impeded in some cases if appeals could not be brought and the situation could also be exploited by unscrupulous litigants. The whole judicial system could be undermined if the situation was not remedied promptly. He would be interested to know more about the national medical insurance policy due to have been introduced in January 2014, including the sources of finance and the benefits available. He wondered whether health care in Suriname was free.

22. **Mr. Lindgren Alves** asked whether the entire population was able to communicate in Dutch, the official national language. Noting that the population of Suriname was composed of a variety of distinct, relatively small groups, he wondered whether the people of Suriname considered it to be a nation with a cultural identity of its own, with which all of the diverse groups identified. As had been the case during the Committee's last review of the State party in 2009, one of the main challenges that

Suriname continued to face was the recognition of the collective rights of the country's indigenous peoples and the Maroon people, and it appeared that more or less the same problems remained. Although the Committee understood the difficulties involved, the fact was that Suriname had supported and ratified the 2007 United Nations Declaration on the Rights of Indigenous Peoples and was thus expected to abide by it and address the challenges.

23. **Mr. Khalaf** said that he would be interested to know the status of international legal instruments ratified by Suriname, including the Convention, in the domestic legal order, how such instruments were applied at the national level and whether it was possible to invoke them before the courts. With regard to the separation of powers, he would welcome clarification of the constitutional provision according to which the legislative power was exercised jointly by the National Assembly and the Government. Noting that, under article 106 of the Constitution, the judiciary had full competence to rule in cases where domestic legislation was incompatible with the Constitution or with the human rights provisions of any Convention, he wondered why cases brought before the courts had had to be suspended pending the establishment of the constitutional court.

24. **The Chairperson**, speaking as a member of the Committee, said that he welcomed the State party's recognition of its multicultural and multi-ethnic identity, although an official national language served also to foster communication among all citizens. He would be interested to know about the health-care services available to indigenous communities that had been affected by mercury contamination and what steps were being taken to prevent contamination caused by mining operations. Noting that the State party had assured the Committee of its intention to establish the constitutional court during the two previous dialogues in 2004 and 2009, he expressed the hope that the project would soon be carried out under the new Government.

25. He wondered what type of land the State party granted indigenous peoples when relocating them from land they had traditionally occupied to make way for development or investment projects, given that, according to the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), those peoples should be provided in all possible cases with lands of quality and legal status at least equal to that of the lands previously occupied by them. With regard to the implementation of the judgement of the Inter-American Court of Human Rights in the *Saramaka People* case, he asked whether the miners and loggers had withdrawn from the Saramaka territory and the Saramaka people had been returned their land or whether they had been relocated and compensated.

26. With regard to the collective rights of indigenous peoples in Suriname, it was important to distinguish between indigenous groups and indigenous peoples, in that indigenous groups could be given the same recognition as any civil society organization. The State party had, however, an obligation to recognize the collective rights of indigenous peoples.

27. The fact that no cases of racial discrimination had been brought before the courts did not necessarily mean that no such discrimination existed in the State party but might be due to the population's lack of awareness of its rights under the Convention, a lack of trust in the authorities or a lack of legal remedies. He would therefore be interested to hear what was being done to raise awareness of the Convention and whether it could be applied by the national courts.

28. **Mr. Avtonomov**, noting that most mercury contamination was the result of small-scale gold mining, which in many cases was carried out without a licence, asked what measures were being taken to prevent that kind of illegal activity and protect the environment and the traditional lands of indigenous peoples. He also wondered

whether there were any plans to give greater recognition to indigenous authorities and indigenous law. He would be interested to hear about progress made by the Presidential Commissioner on Land Rights in the drafting of a bill.

29. **Mr. Vázquez** said that it had been brought to the Committee's attention that, although the composition of the National Democratic Party was multi-ethnic, the parties with which it was in coalition were organized along ethnic lines, each of them representing one of the country's many ethnic groups. He invited the delegation to respond to that concern and to reports of a policy of parcelling out government jobs along ethnic lines, so that some ministries had apparently become "ethnic enclaves". He supported the comments made by the Chairperson to the effect that a lack of complaints of racial discrimination did not indicate that there were no problems in that area. In that connection, he asked the delegation to comment on reports of isolated incidents of violence against the Chinese community in recent years.

30. **Mr. Mac-Donald** (Suriname) said that the delegation attached great importance to the dialogue with the Committee, which would give leaders in the State party a better understanding of the Convention and the key concerns to be addressed in that area. The majority of the population could speak Dutch, as it was the national language of instruction in schools. Suriname celebrated and promoted its multicultural and multi-faith identity and there were many examples of interreligious cooperation and harmony.

The meeting rose at 6 p.m.