



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 2364th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 11 August 2015, at 10 a.m.

Chairperson: Mr. Calí Tzay

later: Mr. Amir (Vice-Chairperson)

later: Mr. Calí Tzay (Chairperson)

Contents

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

Thirteenth to fifteenth periodic reports of Suriname (continued)

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The meeting was called to order at 10.10 a.m.

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

Thirteenth to fifteenth periodic reports of Suriname (continued)
(CERD/C/SUR/13-15; CERD/C/SUR/Q/13-15 and Add.1)

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

2. **Mr. Mac-Donald** (Suriname) said that, since a new cabinet was expected to be inaugurated the following day, his delegation had not been able to consult with any government ministers. Nevertheless, it had consulted with other experts in the capital in an effort to find answers to the Committee's questions.

3. If the international community hoped to end poverty, it must first properly address the issue of gender equality, which was a matter of high priority for his Government. As a result of elections held in May 2015, the number of female members of parliament had increased from 5 to 13, out of 51 members in total. The Government also gave priority to involving young people, and many younger persons had also recently been elected to parliament, including the deputy speaker of the National Assembly, who was 32 years old.

4. **Ms. MacIntosh** (Suriname) said that her Government took note of the Committee's concern about the lack of information on the methodology used when drafting the State party's report (CERD/C/SUR/13-15) and would keep it in mind when preparing future reports.

5. The Committee's questions about the possibility of ratifying certain international instruments would be conveyed to the relevant authorities, as that issue would have to be discussed by policymakers at the ministerial level. Her delegation took note of the concerns raised about the lack of reliable statistics. The Government had sought assistance in that regard from the United Nations system and would continue its capacity-building efforts.

6. A State decree had been issued in the last quarter of 2014 on the establishment of a national human rights institute. The Government was committed to establishing an independent human rights institution that would guarantee transparency. The procedure to establish a constitutional court had entered the second phase with the submission to parliament of draft legislation on the subject and the appointment of a commission to conduct consultations with relevant stakeholders. The Government had thus completed its task and, given the separation of powers, could not instruct parliament to speed up the next phase in the process.

7. Members of the Independent Permanent Human Rights Commission of the Organization of Islamic Cooperation (OIC) had consulted Suriname on ways and means of organizing the work of the Commission, which was still a rather new body. Suriname had a certain amount of experience in coordinating in the field of human rights at the regional level, in the Caribbean Community (CARICOM).

8. Judges in Suriname were independent and were appointed by the President following consultations with the Court of Justice. No distinction was made in Suriname between indigenous peoples and tribal peoples, as the two communities had similar characteristics. There was little overlap of territory between the two, as indigenous peoples lived mostly in the western and southern parts of the country while tribal communities were settled mainly in the western part. The term "traditional authority" included all dignitaries of indigenous tribal communities, namely the *granman* (chief), tribal head or head captain, captain, head bastian and bastian.

9. With regard to the issue of land rights, the Government would continue to consult with indigenous and tribal peoples as equal partners rather than opponents. It was in the process of developing a model that would reflect the principle of free, prior and informed consent within the existing traditional structures that had been recognized for centuries.

10. Nature conservation was an overriding public interest, and all three of the nature reserves that had been created were essential to preserve endangered species, habitats and ecosystems. While mining activities and commercial logging were prohibited within the reserves, indigenous and tribal peoples retained the right to continue their traditional ways of life there. The Government was aware that mercury pollution was a serious problem and had recently launched a campaign to teach small-scale miners how to use alternative methods in their mining activities.

11. The language of instruction in schools was Dutch, and there was no official bilingual education. Nevertheless, in kindergarten and the first years of primary school, teachers assisted students with a limited command of Dutch so that they would be able to continue their formal education in that language. The education system was already understaffed, and qualified teachers were scarce throughout the country, which would make it especially challenging to provide bilingual education. As far as her delegation was aware, all indigenous languages were oral. However, a dictionary of Sranan Tongo, which was used as a lingua franca in Suriname, had recently been published.

12. Draft legislation was prepared by the relevant ministry and was then sent to the Council of Ministers for approval and subsequently to the State Advisory Council for its opinion. It was then sent to the President, who forwarded it to parliament for approval. Lastly, the President ratified the legislation, and it was published in the Official Gazette.

13. The United People's Assembly was convened only if parliament had been unable to elect the President and Vice-President by a two-thirds majority. The Assembly comprised all members of parliament as well as all members of district and local councils.

14. It was possible that there was a caste system in place within the Hindustani community, but research would be needed to confirm that. In any case, there was no institutional caste system. It was true that political parties had initially been established along ethnic lines in 1954, and their names had included words such as "negro" and "Hindustani". They now went by different names, however, and many parties had members from various ethnic groups. She agreed that the National Democratic Party could provide a way of reshaping politics and breaking away from the ethnicity-based model.

15. The Government provided basic health care free of charge to children up to 16 years of age and to persons 60 years of age or older.

16. **Mr. Mac-Donald** (Suriname) said that, in secondary and higher education, the language of instruction was Dutch. English and Spanish as foreign languages were introduced early on, in recognition of the country's geographical location and its membership of the Caribbean Community (CARICOM) and the Union of South American Nations (UNASUR).

17. International treaties to which Suriname was a party were legally binding and prevailed over domestic law.

18. **Ms. Dah** commended the State party for the regularity of its reporting, particularly in light of its limited resources. Unfortunately, the report contained no reference to action taken in follow-up to the Committee's concluding observations on

the State party's eleventh and twelfth periodic reports (CERD/C/SUR/CO/12). Concluding observations were vital instruments in the reporting, follow-up and implementation of the Convention. Future reports should therefore include information relating to those documents.

19. She wished to know how many women, young people and indigenous and tribal peoples were represented in the new Government.

20. Given that Suriname was home to both indigenous and tribal peoples, the State party might wish to consider ratifying the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), some provisions of which it was already implementing in practice. She had been surprised to learn that, according to the delegation, there was little difference between indigenous and tribal peoples in terms of their way of life and measures needed for the fulfilment of their rights. Given that the two groups lived in completely different parts of the country, she found it hard to believe that their situation was exactly the same. It was important for the State party to take account of the specific circumstances of each group when taking special measures for their protection. She enquired whether the traditional indigenous authorities referred to by the delegation were truly indigenous institutions, recognized by the indigenous peoples themselves, or a legacy of colonial times.

21. She encouraged the State party to take measures to guarantee the rights of speakers of minority languages.

22. **Mr. Avtonomov** (Country Rapporteur) said that he deplored the lack of information in the report about ethnic groups other than indigenous peoples and Maroons. The fact that members of the other ethnic groups had never brought a formal complaint of discrimination did not mean that discrimination did not exist. There were myriad reasons why victims of discrimination did not lodge a formal complaint. Furthermore, the purpose of the Convention was not only to identify and address, but also to prevent, discrimination. The State party had an obligation to monitor the enjoyment of rights under the Convention by all protected populations, rather than focusing on known problems and relying on victims to complain.

23. He wished to know whether Haitian immigrants were subject to discrimination. He also requested statistical data on the number of regular and irregular migrants, stateless persons and deportations. Was there a screening mechanism for new arrivals?

24. **Mr. Mac-Donald** (Suriname), replying to the question about the difference between indigenous and tribal peoples, said that indigenous peoples of Suriname could look back on more than 4,000 years of history, while Maroon communities had been there for roughly 400 years. His Government believed that both groups were entitled to the same rights. He was unaware of the existence of a caste system, but the authorities would look into the matter and provide information in the next periodic report.

25. According to the latest information available, the new Government would have four women ministers, compared to one woman minister in the previous administration.

26. To his knowledge, there was no discrimination against Haitians in Suriname. From his personal experience, they were well respected as hard workers, were never involved in criminal activities and were generally welcome as members of Surinamese society. They were seen as an asset, not a problem.

27. Although he was unable to provide figures, there were Brazilian migrants working in gold prospecting, both legally and illegally. Suriname was cooperating, and would continue to cooperate, with the governments of Brazil and Guyana on the issue

of cross-border migration, which was a common occurrence. Data on illegal migrants, stateless persons and deportations would be provided in the next report.

28. **Ms. MacIntosh** (Suriname) said that future reports would address the Committee's concluding observations.

29. **Mr. Kemal** commended the delegation for its frankness. It was not always easy to convey the urgency of implementing human rights obligations, especially in light of pressing problems such as economic development. He requested clarification of the difference between tribal and indigenous peoples, and asked how the State party defined "tribe". He asked whether the Maroons were recognized as tribal peoples.

30. Given that 27 per cent of Surinamese were Hindustani, he wished to know why there were no Hindustanis in the delegation, and whether they were represented in other sectors of public life. He would welcome additional information about any caste system that might exist among Hindustani families in the State party.

31. **Ms. Crickley** commended the State party for its efforts to increase the participation of women and young people in the country's political institutions. She wished to know how many indigenous and tribal women and young people held public posts.

32. The State party's recognition of the rights of tribal and indigenous peoples fell somewhat short of what was expected under the Convention and other relevant international instruments. She asked what measures the State party intended to take to remedy that situation. She wished to know what progress had been made in developing a legal framework to secure the territorial and other rights of indigenous and tribal peoples. What proposals existed to amend legislation that impeded indigenous peoples' full enjoyment of their rights? She was concerned over the absence of special measures for indigenous and tribal peoples and other groups protected under the Convention and urged the State party to consider putting special measures in place.

33. She asked whether measures were being taken to ensure that minority languages were used in schools, especially at the primary level.

34. She also wished to know whether the authorities had engaged in consultations with the Sub-Committee on Accreditation of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights with a view to ensuring that the Surinamese human rights institution complied with the Paris Principles.

35. **Mr. Mac-Donald** (Suriname) said that Amerindians were the only indigenous peoples in Suriname. The Maroons were composed of six tribal groups, which spoke several different languages. The fact that the delegation did not include Hindustani, even though Hindustanis were the largest group in Suriname, was an accident and by no means intentional. As far as he knew, one or two Maroon women and one indigenous Amerindian woman had won seats in the recent parliamentary elections.

36. **Ms. MacIntosh** (Suriname) said that the Government was committed to the speedy establishment of a constitutional court. With regard to the national human rights institution, she was unable for the time being to answer the question regarding consultations with the Sub-Committee on Accreditation. However, she would look into the matter and inform the Committee of developments as soon as possible.

37. **Mr. Mac-Donald** (Suriname) said that many minority languages were exclusively oral. However, they had all been conserved to date. Educated Surinamese nationals could speak the official language, Dutch, the lingua franca, Sranan Tongo, and the language of their own ethnic group, as well as English and, in some cases, Spanish or Portuguese.

38. **Mr. Murillo Martínez** welcomed the action taken to involve indigenous and tribal peoples as partners in sustainable land management, particularly management of nature reserves. However, some sources had expressed concern about the unfair manner in which territories were exploited. He hoped that greater balance in the use of natural resources and greater sustainability would be achieved in the future.

39. He asked whether the State party had taken steps to sign and ratify the Inter-American Convention against Racism, Racial Discrimination, and Related Intolerance, and the Inter-American Convention against All Forms of Discrimination and Intolerance, which had recently been adopted by the Organization of American States (OAS). He also wished to know whether the State party had adopted a plan of action in support of the International Decade for People of African Descent.

40. **Mr. Diaconu** said that international treaties should, as a matter of principle, prevail over domestic legislation. However, the Constitution of Suriname applied that principle solely to provisions of international treaties that were “directly applicable” in various contexts, while other provisions had to be incorporated by means of legislation. The State party should therefore enact such legislation in order to ensure full implementation of the Convention.

41. Racial discrimination was defined as an offence in the Criminal Code but not in any other legislation such as administrative or labour law. In addition, the existing legislation did not refer to colour or ethnic origin, only to “race”, and it was unclear whether the term comprised all the areas covered by the Convention.

42. People’s mother tongue should be the medium through which they learned other languages, especially in primary education. An NGO had informed the Committee of a visit to a primary school in the interior of Suriname, where the teacher had spoken Dutch to the schoolchildren from the outset, a language that they were unable to understand. Many had therefore dropped out after their first year of schooling.

43. Universities and research centres should seek to preserve oral languages by developing written versions and should also ensure that intangible aspects of the culture of ethnic groups, such as traditions and folklore, were preserved. He asked whether the Creole languages spoken in Suriname were similar to those spoken in other parts of Latin America and whether any written versions existed in those countries.

44. **Mr. Mac-Donald** (Suriname) said he agreed that greater importance should be attached to achieving balance in the use of natural resources. The Creole languages had developed during the period of slavery as a means of communication between slaves and their masters. They contained elements of Dutch, English, Portuguese and African languages. Most teachers employed in primary schools attended by children from tribal and indigenous communities were themselves from tribal or indigenous groups. The example mentioned by Mr. Diaconu was very uncommon.

45. *Mr. Amir (Vice-Chairperson) took the Chair.*

46. **Ms. MacIntosh** (Suriname) said that Suriname, as a member of CARICOM, had actively participated in the discussions at the United Nations concerning the International Decade for People of African Descent. She was not aware of any programmes in Suriname to promote the Decade but she would request information from the authorities and forward it to the Committee.

47. **Ms. Vinkwolk** (Suriname) said that she supported the recommendation to define the term “race” in Surinamese legislation. It was clearly necessary to amend not only the Constitution and the Criminal Code but all other legislation with a view to incorporating clear definitions and avoiding confusion.

48. **Mr. Yeung Sik Yuen** noted that the President was elected by the National Assembly and required a two-thirds majority. If no candidate secured a majority, a vote was held in the United People's Assembly. He asked whether a two-thirds majority was also required at that level.

49. According to the delegation, judges were selected by the President, who consulted other judges before making the appointment. He drew attention in that connection to the important principle of separation of powers. The report stated that the judiciary was composed of the President and Vice-President of the High Court, the judges, the Attorney-General, the Procurator-General and the public prosecutors. The Attorney-General was the principal advisor to the Government on civil matters and the Procurator-General, as the officer responsible for prosecution, could not be a member of the judiciary. He asked who appointed the Procurator-General. He also wished to know whether there was a retirement age for judges and the Procurator-General and whether they had security of tenure. In what circumstances could they be removed from office?

50. **Mr. Vázquez** said that, according to a report by Human Rights Watch, Hindustanis of Dalit descent continued to be largely distinguished by their various caste-based occupations. He had taken note of the delegation's statement that such discrimination was not a national policy. However, as the Convention also addressed indirect discrimination, the State party was expected to be proactive in addressing societal discrimination. A national human rights institution could play an important role in that regard, since it could take the initiative in such circumstances and was not dependent on the filing of complaints.

51. Noting that, according to article 106 of the Constitution, legally binding international agreements prevailed over domestic legislation, he asked how that provision affected the rights of indigenous and tribal peoples. The United Nations Declaration on the Rights of Indigenous Peoples was not a binding international agreement, but it reflected binding customary international law. The Committee interpreted the Convention as providing protection for the rights of indigenous peoples and the Inter-American Court of Human Rights adopted the same approach to the American Convention on Human Rights. He therefore wished to know whether those instruments prevailed over domestic legislation.

52. Based on the delegation's remarks at the previous meeting, he wondered if the State party believed there was a risk that compliance with judgements of the Inter-American Court of Human Rights would create a conflict with the Constitution. He understood that the State party took the view that compliance with those judgements must follow the "Surinamese way", and he would like to know what was meant by that. Was there a particular constitutional provision that might impede the recognition of collective rights?

53. He repeated his request for clarification regarding indigenous and tribal peoples' right to hold collective title under the law. What precisely did Surinamese law say on that question?

54. He asked the delegation to say why the State party had rejected the recommendations made during the universal periodic review concerning recognition of and respect for the rights of indigenous and tribal peoples.

55. *Mr. Calí Tzay resumed the Chair.*

56. **Mr. Mac-Donald** (Suriname) said that a vote on the election of the President in the United People's Assembly required only a simple majority.

57. **Ms. Vinkwolk** (Suriname) said that the President appointed judges in consultation with the judiciary. The Procurator-General retired at the age of 65 and

could leave or be removed from office for any other reason only by decision of the Minister of Justice or the President. Judges retired at the age of 70.

58. **Ms. MacIntosh** (Suriname) said that article 106 of the Constitution clearly stated that all legally binding international treaties prevailed over domestic legislation; that would include the Convention. Suriname had rejected the recommendations made during the universal period review process only to give itself time to discuss them in more detail.

59. **Mr. Bossuyt** requested further information on the population group listed in the 2013 census as “Afro-Surinamese”. Who belonged to that group and what language did they speak?

60. **Ms. Dah** said that it was fascinating that there were communities in Suriname that had kept their original African languages and culture since the sixteenth century. She asked whether any studies had been carried out into the origin of the Maroon languages and culture and how those had evolved, especially as Suriname was one of the few countries in the region with Maroon communities.

61. **Mr. Mac-Donald** (Suriname) said that the Afro-Surinamese were Creoles, but tended to adhere to traditional African animist beliefs rather than Christianity. They had asked the General Bureau of Statistics to create a category for them because they wished to be considered as a separate group. He agreed that more studies should be conducted into the origins of the languages and cultures of Suriname.

62. **Mr. Lindgren Alves** said that, while he understood Mr. Diaconu’s concern that the State party should have a precise definition of race, it was more important to have a definition of racial discrimination that included all the elements of article 1 of the Convention.

63. **Ms. Hohoueto** said that the Committee’s questions on the judiciary had not been fully addressed, and she asked the State party to include in its next periodic report clear and detailed information on the judiciary, including on its composition and functioning, and on how access to justice for all citizens was guaranteed. She requested more information on what had happened to the original tribal groups that had existed in Suriname before colonization and slavery.

64. **The Chairperson**, speaking as a Committee member, requested information on the situation of both documented and undocumented migrant workers, and notably of undocumented Haitian workers, in Suriname. He requested statistics on human trafficking and on the steps being taken to combat the problem and provide support and protection to victims. He would also like information on the practice of using forced labour on fishing vessels off the coast of Suriname. Lastly, he enquired about the status of the draft indigenous peoples act, and requested a copy of the bill. Had indigenous peoples been invited to participate in the drafting of the bill?

65. **Mr. Mac-Donald** (Suriname) said that six original tribal peoples were still living in Suriname, in some cases close to the Brazilian border. He would pass on the Chairperson’s questions to the relevant ministries and would send written replies to the Committee.

66. **Mr. Avtonomov** thanked the delegation and said that he welcomed the constructive dialogue between the State party and the Committee.

The meeting rose at 1 p.m.