



# **Human Rights Situation for LGBTI Persons and Sexual Rights in the Republic of Suriname**

## **List of Issues submitted to the Working Group on the Suriname report Human Rights Committee, 113<sup>th</sup> Session**

This report is submitted by

- LGBT Platform Suriname
- Heartland Alliance for Human Needs & Human Rights – Global Initiative for Sexuality and Human Rights
- Akahatá - Equipo de Trabajo en Sexualidades y Géneros

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LGBT Platform Suriname<sup>1</sup>, Akahatá – *Equipo de Trabajo en Sexualidades y Géneros*, and Heartland Alliance for Human Needs & Human Rights' Global Initiative for Sexuality and Human Rights (GISHR) are pleased by the possibility of submitting the following issues report to assist the Human Rights Committee in producing a List of Issues to review the implementation of the International Covenant on Civil and Political Rights by Suriname.

## Suggested Issues

### **Discrimination, unequal treatment and hatred speech on the basis of sexual orientation and gender identity:**

#### **Right to equal enjoyment of civil and political rights without any kind of discrimination; Equality before the law, equal protection of the law without any discrimination (Articles 2.1; 3 and 26)**

1. Even though the Constitution of the Republic of Suriname establishes that no person may be discriminated against due to any status<sup>2</sup>, LGBTI persons still face social discrimination, violence and stigmatization in all the spheres of their lives on a daily basis. The lack of specific legislation and public policies to guarantee the enjoyment of their human rights, and the position adopted by some members of the Government against homosexuality perpetuate homophobia, lesbophobia and transphobia in Suriname society.
2. A member of the Parliament has publicly expressed his reject against homosexuality, regarding it as a disease or deviation<sup>3</sup> that should be eradicated completely. Another member of the Parliament publicly stated that he is against homosexuals<sup>4</sup>, promoting intolerance and hatred against LGBTI community.
3. Lesbian, gay, bisexual transgender and intersex people also face public hostility, violence, homophobic and transphobic attitudes promoted by the media and the music industry. In November 2014 a local singer recorded a violently anti-gay song called "Bullet" inciting violence and hatred against LGBTI community among Surinamese society<sup>5</sup>, without any sanction from the Government. The groups that launched the song have incited through its lyrics to organize "Bullet" parties to show their support for the artists and their message. T-shirts with the text "Bullet" has also been produced and sold on the internet.

## Questions

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<sup>1</sup> The LGBT-platform Suriname consists of 3 organizations – Suriname Men United, Women's Way Foundation and He+HIV – and a social media-initiative: Proud 2 Be.

<sup>2</sup> Article 8.2 of the Surinamese constitution states: 'No one may be discriminated against due to their birth, race, language, religion, heritage, education, political views, economic position or social standing or any other status'

<sup>3</sup> In June 2011, a member of the Parliament, Ronny Asabina, described homosexuality as a "desviation" and a "disease" that should be eradicated completely. Furthermore, he referred to the acknowledgement of same sex marriages as a "European epidemic." After this statement, the first public gay rights march took place in Suriname in October 2011. <http://www.surinamemenunited.com/informatie/krantenberichten-statement-asabina.html>

<sup>4</sup> Mr. Frederik Finisie publicly stated that he is against homosexuals; in his own words 'I don't want to hear anything from homosexuals. If it was up to me, they wouldn't even exist'.

<http://www.dbsuriname.com/dbsuriname/index.php/ndp-assembleelid-finisie-ik-ben-tegen-homos/>

<sup>5</sup> <http://www.dbsuriname.com/dbsuriname/index.php/haatzaaiing-door-surinaamse-muziekproductie-bullet/>

4. Which concrete legislative and other measures has the Republic of Suriname taken to eliminate social, cultural and political discrimination on the basis of sexual orientation and gender identity?
5. Which policies and laws has the Surinamese Government enacted to eliminate inequalities that affect LGBTI persons in all areas of their lives?
6. Which concrete measures has the Government taken to stop violence against LGBTI persons, in particular hate-speech and harassment?
7. Did the State of Suriname think to implement awareness-raising campaigns across the country to eliminate prejudices against LGBTI persons and to project a positive image of sexual and gender diversity?

**Prohibition of same-sex marriage, lack of civil and social marital rights and lack of legislation and public policies regarding same-sex families:**

**Right to marriage, right to enjoy civil and social rights related to marriage (Articles 3, 23 and 26)**

8. Family laws in Suriname define marriage as the union between a man and a woman. LGBTI persons are not allowed to marry persons of the same sex. Considering that same-sex marriage is illegal, same-sex couples cannot be granted other rights which would result from such a legal union. Among other things, they therefore cannot inherit property or goods from a deceased partner as married opposite-sex couples can. In the recent Pension Act, married and unmarried opposite-sex couples are entitled to the pension of their deceased partner. Even though the Pension Act does not explicitly exclude same-sex partners of the same rights as opposite-sex partners, the Government has publicly stated in Parliament that the Pension Act would not include same-sex partnerships<sup>6</sup>.

**Questions**

9. Which concrete steps is the Republic of Suriname taking to guarantee that same-sex couples enjoy the same rights as opposite-sex couples?
10. Which concrete measures will the Surinamese State take to amend legislation in order to recognize and guarantee the right to marriage for same-sex couples?

**Discrimination and harassment against transgender persons in the workplace and the school system:**

**Right to equal enjoyment of all civil and political rights; Right to not be subjected to violence, harassment, cruel or degrading treatment; Right to freedom of expression and to not be subject to arbitrary or unlawful interference with ones' own privacy (Articles 3, 7, 17 and 19.2)**

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<sup>6</sup> <http://www.starnieuws.com/index.php/welcome/index/nieuwsitem/24527>

11. Discrimination and violence against transgender persons due to their sexual orientation and gender identity is commonplace in Suriname. The Government has systematically failed to provide protection mechanisms for them, violating in this way the State's obligation to ensure protection from gender-based violence.
12. Transgender women are not allowed to work as teachers in the educational system. Even though there is no explicit rule prohibiting transgender individuals from being teachers, they are only allowed to teach if they dress and act according to their biological sex<sup>7</sup>.
13. Teenage transgender persons also face discrimination in public schools. Transgender women are not allowed to wear clothes that coincide with their gender identity or expression and are forced to use the male bathrooms in schools. Rather, teachers and school personnel treat all students according to the sex on their birth certificate.<sup>8</sup>

## Questions

14. What important steps is the Surinamese State taking to end violence and related human rights violations committed against individuals in their workplace because of their sexual orientation and gender identity?
15. Which concrete measures has the Government taken to stop violence within the educational system against students caused by cultural prejudices and intolerance on the grounds of their gender identity or expression and sexual orientation?
16. Has the Republic of Suriname taken the necessary steps to promote a cultural, social and political dialogue about discrimination, violence and inequalities that affect the liberty and human rights of LGBTI persons?

## **Arbitrary arrest, harassment and torture of transgender persons:**

**Right to not be subjected to torture or to cruel, inhuman or degrading treatment or punishment; Right to personal liberty and security; Right to not be subject of arbitrary arrest or detention; Right to receive human treatment in case of being deprived of liberty (Articles 7, 9 and 10)**

17. Although the Surinamese Constitution<sup>9</sup> establishes the right to personal freedom and security,<sup>10</sup> in reality this protection is lacking for LGBTI persons. Arbitrary detentions, harassment and torture against LGBTI people - especially transgender women - continue to be a usual practice of security forces in the country.
18. Every weekend evening, in Paramaribo city there are regular "cleanups": gay and transgender sex workers are arrested and deported to police stations where they suffer rude, degrading and humiliating treatment. The sex workers are regularly

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<sup>7</sup> Testimony of a transgender female – Lucy Wongsodikromo

<sup>8</sup> According to the words of a public High school principal

<sup>9</sup> . Surinamese Constitution, Article 16.2: 'Every person has the right to personal freedom and security'

<sup>10</sup> This obligation is also reflected in the Surinamese Penal Code. Het Surinaams Wetboek van Strafrecht

hauled into the station and held for hours without reason and are not taken seriously when they try to file reports about beatings and rapes.

19. In September 2014, two transgender sex-workers were arrested and brutally beaten by Police officers<sup>11</sup> after a complaint of theft was filed by one of their “clients”. Among other cruel practices, they were kicked and slapped, ordered to strip and then beaten with batons and a cricket bat. The Police Commissioner and officials only took action against the police officers in question after the incident was reported by LGBTI Organizations.

## Questions

20. What are the concrete measures that the Republic of Suriname is taking to eliminate arbitrary detentions, harassment and torture against transgender persons that are perpetrated by the police forces and within the prison system?
21. What concrete measures has the Republic of Suriname implemented to train police and prison forces in human rights issues and to oversee their performance on the basis of a human treatment - without discrimination and harassment - towards sex workers, in particular transgender women?

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<sup>11</sup> <http://www.dwtonline.com/paramaribo-post/2014/09/10/ze-willen-je-gewoon-vernederen/> and <http://www.dwtonline.com/laatste-nieuws/2014/09/10/gay-sekswerkers-mishandeld-door-agenten-keizerstraat/>