

Ending family violence in Suriname – challenging physical punishment of girls and boys



Information for the Committee on the Elimination of Discrimination Against Women, Pre-Sessional Working Group for the 69th session, from the Global Initiative to End All Corporal Punishment of Children (www.endcorporalpunishment.org), June 2017

Introduction: family violence in Suriname and CEDAW's examination of the fourth/sixth state party report

Legal protection from domestic violence is provided for in the Act on Domestic Violence 2009. Despite the Government's declarations to the Human Rights Committee in 2015, there is no legal ban of violent punishment in childrearing.

We hope the Committee on the Elimination of Discrimination Against Women will raise the issue of violent punishment of girls and boys in its examination of Suriname. In particular, we hope the Committee will:

- in its list of issues for Suriname, ask what progress is being made towards enacting a legal ban of violent punishment in childrearing, and
- in its concluding observations on the fourth/sixth state party report, recommend that Suriname ensure that *no* form of violence within the domestic sphere is condoned, including by parents against their children, and that legislation is enacted to prohibit domestic violence against all family members, including the violent punishment of girls and boys.

The remainder of this briefing provides the following further details:

1. The current law relating to family violence and corporal punishment of children in Suriname
 2. Treaty body and UPR recommendations on the issue made to Suriname to date.
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1 Laws on domestic violence and corporal punishment of children in Suriname

Summary

1.1 The Act on Domestic Violence 2009 provides legal protection from domestic violence. There is no explicit prohibition of the use of violent punishment against girls and boys.

Detail

1.2 Article 351.220 of the Civil Code states that parents are obliged to maintain and educate their minor children. There is no defence for the use of corporal punishment enshrined in law, but provisions against violence and abuse in the Criminal Code 1911 and the right to physical integrity and protection from degrading or inhuman treatment or punishment in the Constitution 1987 (art. 9) are not interpreted as prohibiting all corporal punishment in childrearing. The Act on Domestic Violence 2009 does not prohibit corporal punishment in childrearing.

1.3 In reporting to the Committee on the Rights of the Child in 2014, the Government stated that “with the revision of the civil code a prohibition of the use of all forms of violence within the upbringing of children will be considered and discussed”.¹ As at March 2016, a draft law amending the Civil Code is under discussion but this does not concern violence against children.²

1.4 In 2015 substantial amendments to the Criminal Code were adopted.³ Under examination by the Human Rights Committee the same year, the Government stated that all corporal punishment has been criminalised under articles 360-363 of the Penal Code – “under these legal provisions fall all forms of corporal punishment and the guilty parties are punishable as a matter of course”.⁴ The Government went on to emphasise discouraging corporal punishment as “an important and continuous process” and its commitment to intensifying efforts to this end.⁵ However the 2015 amendments do not explicitly prohibit all corporal punishment in childrearing – rather they provide for stronger protection against assault.

1.5 Prohibition of all violent punishment of children – which is critical in laying the legal foundations for efforts to reduce child abuse and domestic violence – requires an explicit ban in legislation. We hope the Committee will urge the Government of Suriname to enact legislation as a matter of priority to clearly prohibit all corporal punishment of girls and boys.

2 Recommendations by human right treaty monitoring bodies and during the Universal Periodic Review

2.1 The Committee on the Rights of the Child has on three occasions recommended prohibition of corporal punishment of children in Suriname – following examination of the initial state party report in 2000, the second report in 2007 and the third/fourth report in 2016.⁶

2.2 In 2015, the Human Rights Committee expressed concern at the prevalent use of corporal punishment, and recommended that Suriname take legislative measures to put an end to its use against children in all settings.⁷

¹ 4 May 2015, CRC/C/SUR/3-4, Third/fourth state party report, para. 80

² <http://www.dna.sr/wetgeving/ontwerp-wetten-bij-dna/in-behandeling/ontwerp-wet-houdende-wijziging-surinaams-burgerlijk-wetboek/>, accessed 3 March 2016

³ <http://www.dna.sr/nieuws/parlement-akkoord-met-wijzigingen-wetboek-van-strafrecht/>, accessed 1 December 2015

⁴ 20 October 2015, CCPR/C/SUR/Q/3/Add.1, Reply to list of issues, para. 95

⁵ 20 October 2015, CCPR/C/SUR/Q/3/Add.1, Reply to list of issues, para. 99

⁶ 28 June 2000, CRC/C/15/Add.130, Concluding observations on initial report, paras. 41 and 42; 18 June 2007, CRC/C/SUR/CO/2, Concluding observations on second report, paras. 36 and 37; 9 November 2016, CRC/C/SUR/CO/3-4, Concluding Observations on third/fourth report, para. 18

⁷ [November 2015], CCPR/C/SUR/Q/3/Add.1 Advance Unedited Version, Concluding observations on third report, paras. 45

2.3 Suriname was examined in the first cycle of the Universal Periodic Review in 2011 (session 11). The Government accepted a recommendation to prohibit corporal punishment in schools but rejected other recommendations to prohibit at home and in other settings.⁸ The Government stated that ministerial instructions not to use corporal punishment are regularly sent to schools, that regulations are in place with regard to youth in prison, and that the Act on Domestic Violence has begun to combat corporal punishment of children in the home.⁹ In 2016, Suriname accepted recommendations to raise awareness of the harmful effects of corporal punishment and to adopt legal reforms to prohibit corporal punishment of children in the “private and public sphere”.¹⁰

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

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

¹⁰ 1 July 2016, A/HRC/33/4, Report of the working group, paras. 133(71), 133(72)