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Human Rights Committee**List of issues in relation to the fourth periodic report of
Suriname*****Constitutional and legal framework within which the Covenant is implemented (art. 2)**

1. With reference to the Committee's previous recommendations (para. 6) and the information provided by the State party in its report (para. 27), please provide information on measures taken to operationalise and empower the Constitutional Court established in 2019 to review the conformity of legislative acts with international human rights treaties. Please provide information on any cases in which the Covenant has been invoked by domestic courts, as well as information on training conducted with a view to raising awareness of the Covenant among judges, lawyers and prosecutors. Following the abolition of the death penalty in the Penal Code and the Military Penal Code, please provide further information on measures taken to ratify the Second Optional Protocol to the Covenant.

2. With reference to the Committee's previous recommendations (para. 10) and the information provided by the State party in its report (para. 31-33) please provide information on measures taken to establish and operationalise a national human rights institution which is in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please further clarify whether civil society organisations have been effectively consulted and actively engaged in the process of establishing such an institution. Further to the Committee's previous recommendations (para. 8), please provide information on measures taken to establish a specific procedure or mechanism to give effect to its Views under the Optional Protocol to the Covenant.

Anti-corruption measures (arts.2 and 25)

3. Please provide information on the implementation of the Anti-Corruption Act adopted in 2017. Please clarify whether the anti-corruption commission to be established under the Anti-Corruption Act is currently operational and provide information on measures taken to ensure its independence and effectiveness. Please provide statistics on the number of investigations, prosecutions, convictions and other disciplinary measures taken under the State party's anti-corruption legislation, including the Anti-Corruption Act, during the reporting period, as well as detailed information on the outcomes of cases involving corruption by high-level politicians, public officials, judges, prosecutors and law enforcement officials.

State of emergency (art.4)

4. With reference to the Committee's previous concluding observations (paras. 17-18) and the information provided in the State party's report (paras 55-57), please clarify the exceptional situations under which a state of emergency can be declared. Please provide information on the Civil Emergency Execution Act adopted on 8 August 2020, including

* Adopted by the Committee at its 138th session (26 June to 26 July 2023).

whether this law specifies the rights that may not be restricted or suspended under any circumstances, as required by article 4 (2) of the Covenant.

The fight against impunity and past human rights violations (arts. 2, 6, 7 and 14)

5. With reference to the Committee's previous concluding observations (paras. 21-22) and the information provided by the State party in its report (paras. 30, 59-60), please provide more detailed and updated information on the measures taken to repeal the Amnesty Act and to ensure that perpetrators of human rights violations are brought to justice. In this regard, please provide information on the measures taken to ensure that those responsible for the extrajudicial execution of 15 political opponents in December 1982, the Moiwana massacre of 1986, and other grave human rights violations committed during the de facto military regime are prosecuted and punished, and that families of the victims receive adequate reparations. Please explain the measures taken to ensure effective protection of witnesses and investigate allegations of witness intimidation.

Non-discrimination (arts.2,19,20 and 26)

6. Please report on any plans to adopt a comprehensive anti-discrimination law that provides full and effective protection against all forms of discrimination, including discrimination on the grounds of sexual orientation and gender identity, and disability, including measures to ensure access to effective remedies. Please describe all measures taken to combat hate crimes and hate speech, including online hate speech. Please provide statistical data on complaints of discrimination and hate crimes brought before the national courts and any other complaints bodies during the reporting period, disaggregated by the grounds of discrimination, as well as information on prosecutions, convictions and reparation provided to victims.

7. Please report on the measures taken to eliminate discriminatory attitudes towards lesbian, gay, bisexual, transgender and intersex (LGBT) individuals and ensure that LGBT individuals are able to report acts of discrimination, harassment or violence without fear of reprisal. Please respond to reports that LGBT persons, particularly transgender sex workers, are subject to arbitrary arrests, harassment, and beatings by security forces, and that female transgender sex workers have been placed in male detention facilities. Please report on plans to amend or introduce legislation recognising the right of transgender individuals to legally change their identity, with reference to the Court of Appeal decision of January 2022.

Gender equality (arts. 3 and 26)

8. With reference to the Committee's previous concluding observations (paras. 11-14) and the information provided in the State party's report (paras. 36-37), please provide information on the status of the draft law on the equal treatment of women and men, the draft law on equality in labour, and the planned revision of the Personnel Act of 1962 to repeal or amend provisions that discriminate based on gender. With reference to the Committee's previous recommendations (para. 14), please provide information on measures taken to establish effective national programmes and strategies to address the lack of public awareness of women's rights and gender stereotypes concerning the roles and responsibilities of women and men in the family and in society. Further to the Committee previous recommendation (para. 16), and the information provided in the State party's report (paras. 51-53), please provide an update on the status of the proposed amendment to article 82 of the Civil Code to ensure a uniform minimum age of marriage for girls and boys and bring the minimum age for marriage in line with international standards.

Violence against women, and domestic violence (arts. 2,3,6,7, and 26)

9. In view of the Committee's previous concluding observations (paras. 25-26) and the information in the State party's report (paras. 64-67), please provide: (a) statistics on the number of complaints, investigations, prosecutions and convictions for all forms of violence against women, including domestic violence and sexual harassment, during the reporting period, and remedies provided to victims; and (b) information on steps taken to encourage the reporting of cases of violence against women and to improve access to shelters and assistance for victims. Please provide additional information on the content and status of the

draft law on “Violence and sexual intimidation in the workplace,” and the national policy plan on domestic violence”.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (art.7)

10. With reference to the Committee’s previous concluding observations (paras. 23-24) and the information in the State party’s report (paras. 61-63), please provide information on any legislative measures undertaken to ensure that acts covered by the internationally accepted definition of torture, as provided under Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, are fully criminalized. Please comment on reports of ill-treatment by police and prison officers, particularly during arrest and in places of deprivation of liberty, as well as in the context of enforcing curfews as part of the State party’s response to the COVID-19 pandemic. Please provide information on the number of complaints of torture or ill-treatment received during the reporting period, the outcomes of any investigations undertaken, the sanctions imposed on those responsible, the remedies provided to victims and whether an independent complaint authority to deal with such complaints has been established.

Liberty and security of the person (art.9)

11. With reference to the Committee’s previous concluding observations (paras. 33-34), please provide information on the safeguards in place to ensure prompt access to legal counsel for all persons detained in criminal cases, especially in cases of drug trafficking and terrorism. With reference to the Committee’s previous recommendation (para. 32) and the information provided by the State party in its report (paras. 76-77), please indicate measures taken or envisaged to ensure that anyone arrested or detained on a criminal charge is brought before a judge within 48 hours. Please provide information on effective access to judicial review of detention, including statistical information on the number of complaints of unlawful detention, investigations undertaken and their outcomes.

12. Please provide information on (a) the number of pretrial detainees, including those held in police stations, and the percentage they represent of the total number of persons deprived of their liberty; (b) the average and maximum duration of pretrial detention; and (c) the availability of and effective recourse to alternatives to pretrial detention. In view of the Committee’s previous recommendation (para. 38) and the information provided by the State party in its report (paras. 80-83) please provide information on measures taken to revise the State party’s laws and practices in the field of mental health in order to avoid arbitrary detention of persons with psychosocial and/or intellectual disabilities, in line with article 9 of the Covenant and the Committee’s general comment No. 35 on liberty and security of person. Please provide information on measures taken to ensure that the juvenile justice system takes into consideration the specific needs of children in conflict with the law, and ensures detention of children is used only as a measure of last resort, for the shortest appropriate period of time and is subject to regular review with a view to their release.

Treatment of persons deprived of their liberty (art. 10)

13. With reference to the Committee’s previous recommendations (para. 36) and the information provided by the State party in its report (para. 79), please provide updated information on measures taken to ensure that prison and detention conditions are fully in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), in particular with regard to issues of understaffing and high prisoner-to-guard ratios in prisons, and overcrowding, inadequate lighting, ventilation and sanitation in temporary holding cells operated by the police. Please also provide updated information on measures taken to ensure that individuals awaiting trial are held separately from convicted prisoners, and that juveniles are housed in separate facilities from adults.

14. Please report on measures taken to ensure the provision of adequate healthcare services to detainees and prisoners, including measures to protect them from contagious diseases, particularly in the context of the COVID-19 pandemic. Please indicate any steps taken or envisaged to establish an independent system of monitoring of places of deprivation of liberty, including through regular and unannounced visits.

Elimination of slavery, servitude and trafficking in persons (arts. 2,7,8 and 26)

15. With reference to the Committee's previous recommendations (para. 30) and the information provided by the State party in its report (paras. 71-75), please report on measures taken to prevent and combat trafficking in persons, including children, for purposes of commercial sexual exploitation and labour exploitation. Please report on measures taken to: (a) improve the identification of victims; (b) ensure effective prosecutions and convictions for trafficking and smuggling, including with regard to complicit public officials ; (c) establish an efficient system of assistance and support for victims, including specialized and adequately funded shelters for victims of trafficking; and (d) facilitate victims' access to effective remedies, including adequate compensation. Please include statistics in relation to the elements above, for each year of the reporting period.

Treatment of aliens, including migrants, refugees and asylum seekers (arts. 7, 9, 12, 13 and 24)

16. With reference to the information provided in the State party's report (paras. 118-121), please provide information on measures taken to: (a) establish protection-sensitive entry systems and reception arrangements which allow for the identification and referral of persons with specific needs, including victims of trafficking; (b) guarantee effective access to asylum procedures for all who intend to seek asylum in the State party, with full respect for due process including the right to appeal; (c) ensure that immigration detention is always a measure of last resort applied for the shortest possible period, and is reasonable, necessary and proportionate in the light of the circumstances; and (d) strengthen the legislative framework and establish formal procedures for identification of persons with international protection needs and for determining refugee status. Please provide statistical information for the reporting period, disaggregated by sex, age, race, ethnicity and nationality, on the number of migrants and asylum seekers in detention, as well as the average and maximum duration of detention.

17. Please report on measures taken to prevent and reduce statelessness within the State party, and whether there are plans to establish a determination procedure specifically for the identification of stateless persons and the regularization of their status. With reference to the Committee's previous concluding observations (para. 44) and the information provided in the State party's report (paras. 92-93), please include information on measures taken to ensure all children born on the State party's territory to irregular migrant parents are registered and receive an official birth certificate, including through the establishment of birth registration procedures which are accessible, affordable and easily comprehensible to all persons, especially those who are unable to speak the official language.

Access to justice, independence of the judiciary, and fair trial (art.14)

18. With reference to the Committee's previous recommendations (para. 40) and the information in the State party's report (paras. 84-85 and 88-90) please provide information on measures taken to provide the judicial system with adequate human and financial resources to ensure it can operate effectively and address the significant backlog of cases in both the criminal and civil courts, including through the recruitment of a sufficient number of judges and prosecutors. Please include information on measures taken to strengthen the legal aid system and to address language barriers, as well as information on any specific measures taken to improve access to justice, including for tribal and indigenous peoples.

19. With reference to the Committee's previous recommendation (para. 40) and the information provided in the State party's report (paras. 86-87), please report on measures taken to ensure the independence of the judiciary, including information on the procedures and criteria for the selection, appointment, promotion, suspension, disciplining and removal of judges, and measures to ensure the payment of adequate salaries for judges. Please include more detailed information on how the Code of Conduct for Judges and the complaints procedure incorporate international human rights standards, as well as the number and type of complaints relating to judicial conduct received under the complaints procedure and their outcomes. With reference to the Committee's previous concluding observations (paras. 33-34), please clarify the substantive measures taken to address the lack of clarity on the rules

governing access to counsel, including communication between defence lawyers and inmates and the possibility of undue restrictions on such communication.

Freedom of expression (art.19 and 20)

20. With reference to the Committee's previous recommendations (para. 42) and the information provided in the State party's report (para. 91), please comment on reports that journalists and human rights defenders continue to face harassment and intimidation, and provide information on any investigations into such acts and sanctions handed down to perpetrators. Recalling the Committee's previous recommendation (para. 42), please provide information on any measures undertaken to decriminalize defamation and ensure that penalties exclude deprivation of liberty. Please also provide information on the status of the private members' bill submitted to Parliament in March 2022 to amend the Criminal Code in order to bring it in line with the provisions of article 19 of the Covenant. Please report on measures taken to ensure an enabling environment for independent journalists and media outlets, including information on the content and status of the proposed Freedom of Information Act.

Peaceful assembly (art.21)

21. With reference to the Committee's General comment No. 37 (2020) on the right of peaceful assembly, which sets out the State party's obligation to facilitate peaceful assemblies, please comment on the provisions of Article 49 of the Police Penal Code (GB 1915 no. 77) which requires prior authorisation for all public assemblies and provides for criminal penalties including imprisonment for unauthorised assemblies. In relation to the protest that took place in Paramaribo on 17 February 2023, please provide information on the detention of and any judicial proceedings brought against protesters and protest organisers, including details on the legal basis of any convictions. Please provide information on training provided to law enforcement officials on the policing of assemblies in accordance with international standards, including on the use of force., such as the Committee's General comment No. 37, and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

Rights of the child (arts.23,24 and 26)

22. With reference to the Committee's previous recommendation (para. 46) and the information provided in the State party's report (para. 94), please provide information on measures taken to abolish corporal punishment, in law and in practice, including in the family, in day-care and afterschool care facilities, schools, alternative care settings, residential care and penal institutions. Please report on measures taken to prevent and address child abuse including sexual abuse, and to ensure that these acts are effectively investigated, that perpetrators are prosecuted and sanctioned and that child victims have access to adequate remedies, including specialized care.

Participation in public affairs (arts. 25 and 26)

23. Please provide information on measures taken to ensure effective representation of tribal and indigenous peoples in political decision-making positions. With reference to the Constitutional Court's ruling of 5th August 2022, please provide information on measures taken or planned by the State party to ensure that the distribution of seats for national elections is non-discriminatory and proportional to population distribution, in the light of the Committee's general comment No. 25 (para. 21). Please provide information on steps taken to ensure effective exercise of the right for Surinamese nationals residing abroad to vote in national elections.

Rights of persons belonging to minorities (art.27)

24. With reference to the Committee's previous concluding observations (paras. 47-48) and the information provided by the State party in its report (para. 96), please provide an update on the measures taken to ensure effective and meaningful consultation with tribal and indigenous peoples in decision-making in all areas having an impact on their rights, including legislative measures such as the draft Indigenous and Tribal Peoples' Collective Rights Act. Please provide information on measures taken to ensure that the draft 'Land Conversion Law'

respects and protects the collective land rights of indigenous and tribal peoples. Please comment on reports that the issuance of land titles and permits for the extraction of natural resources is still often undertaken without the free, prior and informed consent (FPIC) of affected indigenous peoples. Please provide information regarding action taken to fully implement the judgements of the Inter-American Court of Human Rights regarding the rights of indigenous peoples in particular in the cases of *Moiwana Community v. Suriname* (2005), *Saramaka People v. Suriname* (2007), and *Kaliña and Lokono Peoples v. Suriname* (2015).