

# Civil society report on the implementation of the International Covenant on Civil and Political Rights in

# Suriname

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With the support of



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# I. Introduction

## A. Contributing and supporting organisations

This joint report is prepared by the Projekta Foundation, in collaboration with the following organizations:

- VIDS - Association of Indigenous Village Leaders in Suriname (VIDS – Vereniging van Inheemse Dorpshoofden in Suriname), is the structure in which the traditional authorities of all Indigenous communities are united, representing the Indigenous peoples of Suriname. It was founded in 1992, after the so-called “Interior War” in Suriname, to restore and strengthen the traditional Indigenous governance systems, and to demand the legal recognition by the State of Suriname of Indigenous peoples’ rights.
- The Lesbian Gay Bisexual Transgender (LGBT) Platform Suriname is an association of LGBTQI+ individuals and the organizations PAREA Association, New Monday Foundation, Suriname Men United Foundation, Women’s Way Foundation and Trans in Action (TIA) Foundation dedicated to improving the quality of life for LGBTQI+ people in Suriname. Established on August 29, 2011, the platform aims to be a leader in the LGBTQI+ movement within the country, acting as both a national and international voice for LGBTQI+ issues. Their mission includes pursuing equal rights, promoting broad social change, and fostering a society where LGBTQI+ people feel free, equal in rights and opportunities, and are treated accordingly.

**Projekta** is a civil society organization founded in 1993. Projekta works at the intersection of human rights, democracy and good governance, with a specific focus on gender equality and women’s rights. Projekta is also the lead organization of the Citizens’ Initiative for Participation and Good Governance, a broad coalition of civil society organizations and citizens. Projekta is an NGO in consultative status with ECOSOC.

## B. Methodology

A two-day introductory workshop was organized on 15 and 16 May 2024 by Projekta with assistance from the Centre for Civil and Political Rights (CCPR Centre), attended by 26 representatives of 13 organizations. Presentations by CCPR introduced the UN Human Rights mechanism and Treaty Bodies, the ICCPR and human rights, as well as the role of civil society, the submission of reports and the review process. Former Human Rights Committee member from Suriname, Margo Waterval, discussed the process of reporting and reviewing within the committee itself. Suriname’s List of Issues (LOI) was presented and participants had the opportunity to add missing issues and other information that might be included in the report. After the workshop collaborating organisations sent in prepared texts, based on desk research and/or on their own direct experiences, for paragraphs related to their specific issues, which were incorporated in the overall report. Projekta acquired information through desk research and additional interviews. The draft report was sent out to all participants of the workshop, and to co-writers for additional comments and edits. A semi-final version was submitted to the CCPR Centre, who assisted in finalizing the report.

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## **II. Replies of Civil Society to the List of Issues (CCPR/C/SUR/Q/4)**

### **A. Constitutional and legal framework within which the Covenant is implemented (art. 2)**

*Issue 1: With reference to the Committee's previous concluding observations and the information provided by the State party, please provide information on measures taken to operationalize 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, and on training conducted with a view to raising awareness of the Covenant among judges, lawyers and prosecutors. Following the elimination of the death penalty from the Penal Code and*

*the Military Penal Code, please provide further information on measures taken to ratify the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.*

### **Comments from Civil Society**

- Although the Constitutional Court was already mentioned in the 1975 Constitution of the Republic of Suriname, and again in the revised 1987 Constitution, it took 25 years for it to be established by the National Assembly (Constitutional Court Act of 4 October 2019, Official Gazette 2019 no.118). Its 7 members were installed by the President in May 2020.
- The Court's budget is provided through the Ministry of Justice. Given its limited 5-year term, which coincides with the 5-year electoral term of the government, and the fact that general elections are scheduled around 25 May every five years, the government will thus decide the composition of the Court for the next electoral term. These facts make it vulnerable to political opportunism and deliberate neglect, and anecdotal evidence indicates the nomination and appointment system is non-transparent and can be used for political favouritism.<sup>1</sup>
- Various complaints have become known about lack of work equipment and the absence of a Secretary, which has impeded the functioning of the Constitutional Court. For example, in March 2021 the formal appointment of the nominated Secretary was still pending and even though at that time it was already noted by the Chair that cases were taking longer than necessary, because of the signatory requirements by the Secretary, it took until February 2024 for the permanent Secretary to be appointed. In June 2024 the Court again stated that due to a lack of institutional and logistical capacity it was not able to address cases within the three-month period stated by law.<sup>2</sup>

### **Recommendations:**

#### The State Party should:

- Ensure that the Constitutional Court is supplied timely with the human and financial resources to operate independently.
- Ensure full transparency in nomination and selection processes for membership of the Constitutional Court.
- Ensure that the key functions such as Chair, Secretary and Members remain filled in, and that any vacancies be filled in a timely manner.

**Issue 2:** *With reference to the Committee's previous concluding observations and the information provided by the State party, please provide information on measures taken to establish and operationalize a national human rights institution that is in compliance 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 organizations have been effectively consulted and actively engaged in the process of establishing such an institution. Further to the Committee's previous concluding observations, please*

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<sup>1</sup> <https://constitutioneelhof.sr/2021/03/22/presentaties-voor-chof-rechtsvraag-nog-niet-beantwoord/>

<sup>2</sup> <https://www.starnieuws.com/index.php/welcome/index/nieuwsitem/81363>

*provide information on measures taken to establish a specific procedure for ensuring full compliance with the Views adopted by the Committee under the Optional Protocol to the Covenant.*

### **Comments from Civil Society**

- The State reported that there is a human rights institute (the National Human Rights Institute- NHRI), but this institute is not operational, despite several actions to that end. There is a human rights bureau within the Ministry of Justice, as well as a human rights unit in the President's Office. CSOs were consulted by a consultancy bureau contracted by the Ministry of Justice and Police (last quarter of 2022) in the drafting of legislation for the formal establishment of a Human Rights Institute in accordance with the Paris Principles, but were not informed of the final draft document, and were not informed of and engaged in any subsequent developments. Therefore, civil society cannot assess the measure in which its feedback was included in the final draft legislation. Additionally, the draft legislation has not yet been submitted to Parliament. The UNDP funded a project for the establishment of the NHRI, as well as for the legislation for the institute. To this day the Institute is not operational.

### **Recommendations:**

#### The State Party should:

- Organize effective engagement and meaningful consultations with civil society to discuss the newest draft of the legislation, establishment and working procedures of the human rights institute to be adopted by law and set up as soon as possible.
- Be transparent and inclusive about the persons to be appointed in position in the human rights institute, safeguarding equitable and highly competent composition and independent functioning of this mechanism.
- Establish and maintain human rights desks and support networks to provide assistance (including prosecution) and advocacy for individuals facing discrimination and violence. These mechanisms should have the knowledge and capacity to deal with a broad range of human rights, including LGBTQI-rights, indigenous and tribal peoples' rights, rights of persons with disabilities, and so forth.

## **B. Anti-corruption measures (arts. 2 and 25)**

***Issue 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 under the State party's anti-corruption legislation, including the Anti-Corruption Act, during the reporting period, and detailed information on the outcomes of cases involving corruption by high-level politicians, public officials, judges, prosecutors and law enforcement officials.*

### **Comments from Civil Society**

- The Anti-Corruption Act has remained a paper tiger, often used by the State to indicate that it is “seriously addressing corruption”. Instead of establishing the operational Anti-Corruption Commission (ACC) according to the Act, a Presidential workgroup was installed in 2020 to advise the State within 6 months on the measures needed to implement the Act. The Commission presented its report in 2021, but this was not made available to the public nor has information been provided on its recommendations nor on implementation of those recommendations, if any. An ACC was eventually installed, only in May 2023. The Anti-Corruption Act still requires statutory decrees and operational mechanisms to make it fully effective; without those, not all actual measures, investigations, and execution of the ACC powers, can be fully undertaken.
- According to their 2023 Annual Report, the first year of the ACC was spent on internal structures and practical considerations, such as the drafting of a budget and annual plan, the scouting for a location, and the set-up of a website. Additionally, the Commission worked on capacity building and training and internal procedures. The procedures and templates and other conditions for actual investigations, registrations of assets, have not yet been finalized or implemented.
- In May 2024, the President installed a committee to evaluate the Anti-Corruption Act and provide recommendations on possible amendments within 3 months.
- The main drivers of the recent steps taken seem to be the constant pressure by the International Monetary Fund to amend and operationalize the law, as indicated in various press releases, for example [here](#). However, they may also be a (welcome) opportunity to find ways and means to weaken the Act and/or to further delay its implementation.
- The non-functioning of the Anti-Corruption Act does not prevent the public prosecution from addressing corruption cases, but the lack of an operational anti-corruption commission as required in the act, creates opportunities for deliberate non-action, arbitrariness and diverse interpretations. The lack of a commission which actually evaluates cases and reports to the General Prosecutor, makes it possible that cases of corruption are left unattended, such as illicit and unexplained enrichment of public officials, and potential hidden business interests (especially related to the extractive industries). Additionally, the Anti-Corruption Act would have a preventive effect when fully operationalized.<sup>3</sup>

### **Recommendations:**

#### The State Party should:

- Provide sufficient and independent budget for the work of the Anti-Corruption Commission
- Broadly discuss, adopt, and operationalize the Anti-Corruption Act and all needed decrees and procedures, in a swift manner, publishing hard deadlines for steps to be taken.

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<sup>3</sup> <https://unitednews.sr/anti-corrupctie-wet-halfslachtig-politiek-product-zonder-intentie-deze-binnen-de-overheid-aan-te-pakken/>

- Ensure that the evaluation of the Act is based on legitimate objectives, transparent and participatory with broad and effective input by Civil Society.
- Make the general public aware of the anti-corruption measures applicable to public officials.
- Create and analyse a database of corruption cases, even if they have not gone to trial on the basis of the Anti-Corruption Act, but of other applicable laws and regulations.

### **C. Fight against impunity for past human rights violations (arts. 2, 6, 7 and 14)**

*Issue 5: With reference to the Committee’s previous concluding observations and the information provided by the State party, please provide more detailed and updated information on 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 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 the victims’ families receive adequate reparations. Please explain measures taken to ensure effective protection of witnesses and investigate allegations of witness intimidation.*

#### **Comments from Civil Society**

The Amnesty Law was nullified by the Constitutional Court in August 2023. Although Desire Bouterse was convicted and sentenced to prison in Higher Court (in December 2023) and various measures were taken to create separate detention facilities, Bouterse disappeared and has been a fugitive since, together with Iwan Dijksteel, who was also convicted. Other convicts were imprisoned.

In April 2024, four organizations representing the victims and their relatives requested the Public Prosecutor’s Office and the President to take national and international measures to find the fugitives. To date, no progress has been made nor is further information available. There remains an uneasy feeling among many in Suriname that there may have been collusion to accommodate the former president, who has also been named as a party in drug dealings. On 3 June 2024, the online newspaper *Starnieuws* published an [outline](#) of the case together with comments by the Prosecutor General, who claimed that her office is dependent on the police and intelligence services to track down fugitives, but that they lack the necessary resources to do their work. It remains unclear why the process of immediate detention of ex-President Bouterse was attended to with such incompetence after his conviction. Not only is this painful to those who thought justice would finally be done, but also strengthens the common feeling of “class justice”, where the “small guys” are swiftly arrested, trialled and imprisoned but the “big guys” disappear.

#### **Recommendations:**

The State Party should:



- Be held accountable for the disappearance of Bouterse after his conviction and ensure that all individuals who were involved are held accountable and prosecuted.
- Ensure that the media are utilized for wide public awareness of the arrest warrants issued and assistance in helping to find the fugitives.
- Take concrete and visible action to prevent further rooting of the widespread impression of “class justice” in Suriname.

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

*Issue 6: Please report on any plans to adopt a comprehensive anti-discrimination law that provides full and effective protection from all forms of discrimination, including discrimination on the grounds of sexual orientation, 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, and information on prosecutions, convictions and reparation provided to victims.*

### Comments from Civil Society

#### Legislation for LGBTQI rights:

- Article 8 of the Constitution of Suriname prohibits discrimination. However, Suriname’s legal framework does not explicitly protect Lesbian-, Gay- Bisexual-, Transgender-, Intersex- and Queer- (LGBTQI)-persons from discrimination. The inclusion of “any other status” and “for all” in the Constitutional articles is understood to extend to sexual orientation, gender identity and gender expression, even if it is not explicitly stated that way.
- Since 1869 same-sex intercourse has not been criminalized<sup>4</sup>. Since 2014 the 'social laws' for general pension, national basic health insurance and the minimum hourly wage were adopted with gender neutral terminology allowing for the inclusion of same sex couples. As of 2015 the revised Penal Code article 175 and 175a protect against discrimination and hate speech.<sup>5</sup> As of 2022 the Labour Violence and Sexual Harassment Act and Equal Treatment Employment Act was passed, article 1 protects against discrimination based on sexual attraction, orientation and gender identity in the workplace.<sup>6</sup> Despite these positive developments in the legal framework, enforcement remains weak, and legal challenges persist.
- The ‘social laws’ specifically do not supersede labour laws for public servants, thus excluding same-sex couples in government employment. Furthermore, the non-explicit mention of same-sex couples leaves that decision open to interpretation and up to the willingness of private employer and the

<sup>4</sup> “The Criminalization of Homosexuality in Colonial History, by Dr Joseph O’Mahoney” 2021, June 17). Retrieved from <https://blogs.reading.ac.uk/gender-history-cluster/2021/06/17/homosexuality/>

<sup>5</sup> (Spotlight Report Suriname, 2020, p. 16; Universal Periodic Review Full Report, 2021, p. 7).

<sup>6</sup> De Nationale Assemblée (2022). Wet Gelijke Behandeling Arbeid. Retrieved from [https://www.dna.sr/media/361877/22\\_1899\\_am\\_22\\_14\\_Lid\\_P.\\_Etnel\\_aanb.\\_Amendement\\_2\\_wet\\_Gelijke\\_Behandeling\\_Arbeid.pdf](https://www.dna.sr/media/361877/22_1899_am_22_14_Lid_P._Etnel_aanb._Amendement_2_wet_Gelijke_Behandeling_Arbeid.pdf)

provider of social services. Particularly concerning marriage and adoption rights, same-sex marriage or legally registration, limiting their legal protections.

- Additionally, a legal study in 2023, commissioned by the Stand With Us program implemented by Projekta and PAREA, financed by the European Union, emphasized the need to revise current marriage laws to align with international human rights standards recognizing the rights of same-sex couples<sup>7</sup>. Despite these recommendations, there is still no legal recognition or protection for same-sex marriages in Suriname. The draft bill which will revise the Civil Code still does not include recognition of same-sex marriages, as the topic is deemed to need more broad social deliberation, to date no initiatives have been undertaken by the State. The State cannot continue to invoke the absence of legislation if it does not take any initiatives to that effect itself.

#### Discrimination of Indigenous and Tribal peoples (ITP's):

- Discrimination against ITPs is pervasive and across all areas of human rights, as many times acknowledged in reports, conclusions and recommendations of other human rights' treaty bodies, including the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of All Forms of Discrimination against Women and the Committee on the Rights of the Child. Above all, ITP's do not have legal standing before the law and no access to justice and legal recourse, having no legal personality nor legally recognized collective rights. The fact that the State Suriname continues to discriminate against approximately 25% of its population in such a pervasive and unpunished manner, is an affront to international human rights standards and international legal order, again (as in "class justice") undermining belief in the human rights' system. Details are not mentioned in this report as these situations of discrimination are extensively documented by abovementioned Treaty Bodies, UN special mechanisms on Indigenous Peoples, within the Inter-American human rights' system, and in the alternative report that VIDS has submitted to the Human Rights Committee for the ICCPR.
- The State continues to violate the right to good education and to ensure that every child has access thereto, regardless of where they live. The Indigenous and Tribal children of the interior often go without education for long periods of time. Most recently, while schools in Paramaribo and surrounding districts reopened after the Easter holidays since Monday 15 April 2024, schools in the hinterland, especially in the Sipaliwini district, remained closed and the Ministry of Education, Science and Culture did not provide information when they would be reopening. It is not the first time that thousands of students in the hinterland have been unable to go to school. Sometimes teachers remain in the capital, by choice and or because the government has failed to pay transportation to locations.<sup>8</sup>
- The social security program with external support from the International Monetary Fund (IMF) lags in implementation, and the poverty gap is now more visible than ever. Consequences are felt throughout the country, but even more in the hinterland, for poverty alleviation measures are provided in forms that are catered to city-based citizens, such as reduction on petrol at gas stations, tax-reductions for full-time civil servants. Registration for alleviation measures also requires an internet connection and

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<sup>7</sup> Legal Study Report, Projekta and PAREA. 2023, p. 7).

<sup>8</sup> <https://dwtonline.com/nog-geen-zicht-op-heropening-scholen-binnenland/#:~:text=Terwijl%20sinds%20maandag,actie%20van%20transporteurs>

setting up bank accounts, impossible for ITPs since the region where they live has very limited internet access and no banks.

### **Recommendations:**

#### The State Party should:

- Amend existing laws to ensure full legal protection for persons who are discriminated against on the basis of sexual orientation, gender identity and disability, including anti-discrimination laws for marriage equality and adoption rights.
- Include information, in every report, on concrete legislation, policies, programmes, projects and practical measures to combat the pervasive and structural discrimination against Indigenous and Tribal peoples.
- Ensure that access to quality education also applies to the ITPs' children living in the interior.

***Issue 7:** Please report on measures taken to eliminate discriminatory attitudes towards lesbian, gay, bisexual and transgender persons, and to ensure that victims of acts of discrimination, harassment or violence are able to report them without fear of reprisal. Please respond to reports that lesbian, gay, bisexual and transgender persons, particularly transgender sex workers, are subjected to arbitrary arrest, 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 recognizing the right of transgender persons to legally change their identity, with reference to the decision by the High Court of Justice in January 2022.*

### **Comments from Civil Society**

#### Court cases and other rulings regarding LGBTQI rights:

- 2016: The LGBTQI community's trust in Suriname's commitment to non-discrimination in the Penal Code achieved a new low when the Attorney General argued in a complaint filed by the LGBT Platform and other organizations regarding public statements made by the Association of Full Gospel and Pentecostal Churches in Suriname (VVEPS) 'among others denying the existence of transgender persons' that these statements were protected by the right to freedom of expression. The attorney general refused to investigate the case.<sup>9</sup>
- 2017 – onward: While the LGBT Platform, PAREA and Women's Way have been able to form foundations, their respective LGBTQI associations have thus far not been able to be incorporated as this requires assentation from the President. Letters and requests sent in 2017 by the LGBT Platform to the Minister of Justice and Police for consideration have been left unanswered.
- 2022: the High Court rejected<sup>10</sup> the State's appeal of a lower court decision of 2017 and emphasized that fundamental human rights, including protection from discrimination and respect for private life, extend to transgender persons. It ruled that the absence of legislation cannot be an excuse for denying

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<sup>9</sup> Suriname Land of Diversity: Lespiki Mi Respect Me" 2024 Carla Bakboord and Jonneke Koomen p.206

<sup>10</sup> Rechtspraak Suriname. (2022). SRU-HvJ-2022-1. Retrieved from <https://rechtspraak.sr/sru-hvj-2022-1/>

legal gender recognition, but the ruling narrowly defined the process for changing the gender registration of transgender persons at civil registry offices, requiring psychological assessments, complete gender reassignment surgery, and gender screening<sup>11</sup>. To date, only the plaintiff in this case has successfully managed to change the registered gender due to these restrictive requirements and the lengthy and costly legal process. Owing to the negative public outcry and opposition, the safety of the plaintiff could no longer be guaranteed, and she no longer resides in Suriname.

- 2023: the Constitutional Court of Suriname assessed the decision of the Central Bureau for Civil Affairs (CBB) not to recognize a marriage of a same-sex couple performed in Argentina and ruled that it did not violate Articles 8 and 17(1) of the Constitution<sup>12</sup>. Moreover, the Court ruled that Article 80 of the Suriname Civil Code<sup>13</sup>, which defines marriage as between one man and one woman, must be interpreted to prohibit polygamy rather than same-sex marriage<sup>14</sup>. This interpretation suggests that the article does not inherently conflict with the rights of same-sex couples to marry. Although the court reportedly acknowledged “the outdated nature of the law”, and highlighted that the Civil Code only permits marriage between a man and a woman it did not go further in its decision, stating that same-sex marriage was up to the legislative branch and the matter needed a “public debate”. Activists criticized the decision for disregarding international and regional human rights standards, like the Advisory Opinion No.24 (2017) of the Inter-American Court. Activists furthermore argued that human rights should not be subjected to public opinion, especially for marginalized groups.<sup>1516</sup>

#### Discriminatory attitudes and practices towards LGBTQI persons:

- Cultural and religious beliefs further hinder acceptance of LGBTQI persons. For instance, in many societies, traditional norms and religious doctrines consider non-heteronormative identities as immoral or sinful. This cultural stigma is evident in the heightened rates of violence and discrimination against LGBTQI individuals in regions with strong religious influences.<sup>17</sup> This societal rejection not only affects their mental well-being but also their physical safety and access to essential services. Many face ostracism from their families and communities. For example, a gay individual was expelled from their church community after coming out<sup>18</sup>. Notable cases involved a transgender student being physically assaulted by peers at school due to their gender identity<sup>19</sup> and the brutal beating of a student by peers due to their perceived sexual orientation<sup>20</sup>.

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<sup>11</sup> StarNieuws. (2022a). Belangrijke uitspraak Hof van Justitie voor transgender personen. Retrieved from <https://www.starnieuws.com/index.php/welcome/index/nieuwsitem/68606>

<sup>12</sup> CH-01-Besluit, Constitutional Court of Suriname 2023

<sup>13</sup> Boek 1 – Burgelijkwetboek van Suriname: Personen en Familierecht.

[https://www.dna.sr/media/346091/boek\\_1\\_personen\\_en\\_familiericht\\_\\_burg.wetboek\\_.pdf](https://www.dna.sr/media/346091/boek_1_personen_en_familiericht__burg.wetboek_.pdf)

<sup>14</sup> CH-03-Besluit, Constitutional Court of Suriname, 2023, p. 3)

<sup>15</sup> “LGBTQIA+ gemeenschap krijgt bittere pil te slikken”. (2023, February 15). De Ware Tijd. Retrieved from <https://dwtonline.com/lgbtqia-gemeenschap-krijgt-bittere-pil-te-slikken>

<sup>16</sup> Laws on Us, ILGA, 2024 p.170

<sup>17</sup> Surinamese–Hindustani Same-Sex Love Individuals: Coping with Negative Responses from Parents in a Collectivistic Culture by Carla Bakboord, Saskia Keuzenkamp and Sawitri Saharso (2022)“

<sup>18</sup> LEA, 2018, p. 50

<sup>19</sup> Lespeki Mi, 2018, p. 22

<sup>20</sup> Starnieuws 2022, Samenleving reageert verontwaardigd op mishandeling scholier Retrieved from <https://www.starnieuws.com/index.php/welcome/index/nieuwsitem/72482>

- This is further reinforced by religious institutions that oppose LGBTQI rights.<sup>21</sup> On multiple occasions the Association of Full Gospel and Pentecostal Churches in Suriname (VVEPS) and other Christian based groups expressed concerns about the increasing acceptance of 'unnatural' LGBTQI lifestyles, citing potential conflicts with international human rights treaties ratified by Suriname.<sup>22</sup> The lack of understanding and acceptance of sexual orientation and gender identity leads to LGBTQI-individuals facing challenges in reporting crimes to the police due to fear of further victimization.
- A survey conducted among LGBTQI individuals revealed that 67% had experienced some form of discrimination in the past year.<sup>23</sup> LGBTQI individuals, particularly transgender sex workers, have faced arbitrary arrests, harassment, and beatings by security forces. For instance, in the city centre of Paramaribo, transgender sex workers have reported harassment and discrimination from law enforcement officers. In schools and workplaces, LGBTQI individuals face hostility, including physical assaults on transgenders<sup>24</sup>. For example, a transgender woman named Felicia illustrate the pervasive stigma, as she recounts being denied medical care and subjected to derogatory remarks<sup>25</sup>. The shared incidents database that tracks cases of human rights violations indicated that data for cases of violence against transgender individuals fluctuated, among MSM (men who have sex with men), cases increased from 17 in 2019 to 23 in 2020. decreasing from 15 in 2019 to 12 in 2020<sup>26</sup>. Incidents from 2020 to 2024 reveal a troubling increase in violence, harassment, and discrimination. Physical violence peaked in 2022 with 79 cases, verbal harassment reached 90 cases, emotional abuse also surged significantly with 61 cases in the same year, reflecting growing hostility. Consistent reports of individuals being forced to leave their homes and communities highlight severe social exclusion. For 2024 physical violence has already reached 33 cases, verbal harassment 28 cases, continuing the trend a significant increase is seen for outed based on sexual orientation/gender 17 cases<sup>27</sup>. It is unclear if trends indicate a growing awareness of human rights violations or an actual decrease in cases.
- Almost half of the LGBTQI population is fully employed. But many struggle financially, often resorting to informal work or criminal activities. Job terminations and evictions due to sexual orientation or gender identity have been reported, for instance, a respondent reported losing their job after their employer discovered they were gay.<sup>28</sup>

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Starnieuws 2022, AWJ roept jongeren op pesten achterwege te laten Retrieved from <https://www.starnieuws.com/index.php/welcome/index/nieuwsitem/72504>

<sup>21</sup> Spotlight Report Suriname, 2020; Universal Periodic Review Full Report, 2021

<sup>22</sup> Dagblad Suriname. (2016). VVEPS bezorgd over tegennatuurlijke levensstijl gay gemeenschap. Retrieved from <https://www.dbsuriname.com/2016/06/10/vveps-bezorgd-over-tegennatuurlijke-levensstijl-gay-gemeenschap/>

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<sup>23</sup> Suriname Land of Diversity: Lespiki Mi Respect Me" 2024 Carla Bakboord and Jonneke Koomen p.24

<sup>24</sup> Joint CSO Contribution to Suriname's Third Universal Periodic Review, 2022

<sup>25</sup> Suriname Land of Diversity: Lespiki Mi Respect Me" 2024 Carla Bakboord and Jonneke Koomen p.17

<sup>26</sup> CCM Suriname HIV Report 2021

<sup>27</sup> Shared Incidents Database on human rights violations, CVCoalition 2024

<sup>28</sup> Lespiki Mi, 2018, p. 15. Spotlight Report Suriname, 2020. LGBT Platform Suriname, 2022. Regional Report Caribbean, 2012. De mate van blootstelling aan risico's en schade, 2022, p. 2

## Stigma and Discrimination of LGBTQI in Health Care

- Although healthcare is officially available to all, access to health services for LGBTQI individuals in Suriname is hindered by stigma and discrimination. Less than 36% of LGBTQI persons seek medical help when needed. Notably, LGBTQI-persons showed higher HIV prevalence rates: 16.6% among MSM in 2018 and 40% among male/transgender sex workers in 2023, highlighting the urgent need for targeted interventions.<sup>29</sup> According to 2023 research<sup>30</sup> by Projekta for the Stand With Us program, almost half of the LGBTQI-respondents have never disclosed their sexual orientation or gender identity to their physician(s). 11% of LGBTQI respondents experienced stigma and discrimination from health care workers.
- For example, a transgender man who underwent top surgery in Suriname, becoming the first to do so locally, faced insensitive remarks from medical staff despite the procedure being coded as a breast reduction to avoid suspicion. He was repeatedly misgendered by medical staff, leading to a traumatic experience that deterred him from seeking follow-up care. His journey highlights the financial and emotional challenges of accessing gender-affirming care, including the high costs of surgery and hormone treatments.<sup>31</sup> A lesbian woman was denied necessary medical treatment because of her sexual orientation. She recounted, "The nurse said, 'People like you don't deserve care' after discovering my partner was a woman". These personal stories are supported by survey data indicating that 7% of respondents reported being insulted by healthcare staff, while 5% felt they had been denied healthcare services due to their sexual orientation or gender identity.<sup>32</sup>
- Research conducted in 2024 on substance use within the LGBTQI+ community in Suriname, highlighting higher prevalence rates compared to heterosexual counterparts, particularly alcohol (70%), painkillers (28.6%), cannabis (21.4%), and tobacco (25.7%). Usage motivations include socializing, relaxation, and stress management. Despite the high usage, only a small percentage (8.6%) sought medical help for cessation, and 42% reported prolonged use of three years or more. A portion had been treated for serious medical conditions including HIV and other STD's.<sup>33</sup>
- Besides that, mental health issues such as anxiety and depression are prevalent among LGBTQI individuals, exacerbated by societal stigma and discrimination<sup>34</sup>. A 2020 report found that 19% of LBQ-women diagnosed with clinical anxiety or depression and 35% reporting alcohol use less than monthly.<sup>35</sup> A 2024 UNICEF report indicates that there is no specific research on mental health issues among LGBTQI adolescents, which is a critical gap that needs addressing.<sup>36</sup>

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<sup>29</sup> Regional Report Caribbean, 2012, p. 52; Spotlight Report Suriname, 2020, p. 22.

<sup>30</sup> Stigma and Discrimination in Health Care: an exploratory study, R&R Consultancy for Projekta and PAREA, Stand With Us Program, 2024

<sup>31</sup> From Fringes to Focus - A deep dive into the lived-realities of Lesbian, Bisexual and Queer women and Trans Masculine Persons in 8 Caribbean Countries. COC Netherlands, WomensWay Foundation Suriname 2020, p. 88

<sup>32</sup> From Fringes to Focus - A deep dive into the lived-realities of Lesbian, Bisexual and Queer women and Trans Masculine Persons in 8 Caribbean Countries. COC Netherlands, WomensWay Foundation Suriname 2020, p. 42-44

<sup>33</sup> Middelengebruik LGBTIQ, Nationaal Drugs Observatorium en LGBT Platform 2024

<sup>34</sup> Regional Report Caribbean, 2012, p. 52; Spotlight Report Suriname, 2020, p. 22)

<sup>35</sup> (WSW et al., 2020, pp. 6-8).

<sup>36</sup> UNICEF Mental Health Onderzoek, 2024, p. 5

## **Recommendations:**

### The State Party should:

- Implement gender-friendly educational curricula and provide training for healthcare providers, law enforcement, and other service providers to ensure sensitivity and inclusivity, as well as training programs for police officers to handle LGBTQI-related cases sensitively.
- Increase the availability of comprehensive health services tailored to the needs of persons discriminated on the basis of race, culture, tribal status, sexual orientation, gender identity and disability, including mental health support and reproductive healthcare.
- Conduct regular assessments and surveys to monitor the progress of implemented policies and programs, including periodic surveys on workplace discrimination to help track improvements and identify persistent issues of discrimination.
- Adopt a multifaceted approach, involving legal reforms, improved access to comprehensive services, community support, training for service providers and police, and continuous monitoring to enable the informed development of policy and programming that ensures equality, inclusivity and justice for all citizens with services tailored to LGBTQI needs, including well-funded mental health and reproductive health clinics that offer hormone replacement therapy and mental health counselling can significantly improve health outcomes.

## **E. Gender equality (arts. 3 and 26)**

*Issue 8: With reference to the Committee's previous concluding observations and the information provided by the State party, 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 on the basis of gender. With reference to the Committee's previous concluding observations,<sup>12</sup> 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 concluding observations and the information provided by the State party, 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 into line with international standards.*

### **Comments from Civil Society**

- In 2014, the aforementioned ‘social laws’ on general pension, national basic health insurance and the minimum hourly wage were adopted with gender neutral terminology, thus allowing for the inclusion of same sex couples.
- Both the afore mentioned social and labour laws of 2014 and 2022<sup>37</sup> do not apply to public servants, and the Equal Treatment Employment Act has an explicit clause that legislation for public servants would be adopted within 12 months. However, that has not yet happened. The 1962 Personnel Act has not yet been revised to repeal gender and LGBTQI discriminatory provisions.
- The civil code amendments, including changes to the minimum age of marriage, are currently still being discussed in the National Assembly. The revision of the civil code has become a decades-long process.
- The government has produced a Gender Vision Strategy Document for the period 2021 – 2035, which includes seven priority areas, including monitoring national legislation to ensure gender equality. Although the implementation of the strategy is clearly laid out, efforts to implement, monitor and evaluate are minimal. The Gender Affairs Bureau (BGA) of the Ministry of Home Affairs, responsible for the coordination, sends out requests for information to CSO’s regarding their activities as mentioned in the vision document but there is little follow up in terms of joint planning and strategizing. The BGA seems to be willing to work with civil society through a network or platform to share information and implement projects and activities. However, policymaking and implementation seem to fall back on financing from international donors (such as UNDP, UNFPA and Canada Fund), since the government maintains that lack of funding prohibits its work.
- Moreover, despite decades of investment in training activities, assistance in formulating strategies, and attempts at networking with civil society and other government institutions, the government does not seem to be able to actually manage strategies to achieve gender equality. This inability to function properly and achieve the goals of gender equality and women’s rights is due to *inter alia* constant turnover of management and staff at BGA due to political appointments after each general election, budgetary cuts which impede implementation of policies, strategies and activities, and a general demotivation and/or reluctance of remaining staff to take on the challenges of working under such circumstances.

### **Recommendations:**

#### The State Party should:

- Employ other methods for regularly engaging with civil society organizations if funding for in-person meetings is a problem, for effective sharing of data and information, and to monitor implementation of activities, programs and policies.
- Take up open discussions with civil society organizations again with the aim of working towards joint management and coordination of implementation, monitoring, and evaluation of the Gender Vision Strategy Document 2021 – 2035 instead of placing sole responsibility thereof on the shoulders of BGA.

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<sup>37</sup> De Nationale Assemblée (2022). Wet Gelijke Behandeling Arbeid. Retrieved from [https://www.dna.sr/media/361877/22\\_1899\\_am\\_22\\_14\\_Lid\\_P\\_Etnel\\_aanb\\_Amendement\\_2\\_wet\\_Gelijke\\_Behandeling\\_Arbeid.pdf](https://www.dna.sr/media/361877/22_1899_am_22_14_Lid_P_Etnel_aanb_Amendement_2_wet_Gelijke_Behandeling_Arbeid.pdf)



- Ensure that the BGA is adequately funded and staffed by persons with sufficient knowledge of gender and women’s rights to manage and coordinate policies, strategies and projects that will lead to gender equality.
- Adopt the promised legislation for equality in the workplace and of sexual violence in the workplace for the public sector (civil servants).
- Ensure that the amendments to the Civil Code reflect the concerns raised above.
- Adopt the amended Civil Code, and ensure the necessary provisions for implementation.

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

*Issue 9: In view of the Committee’s previous concluding observations and the information provided by the State party, 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.*

### **Comments from Civil Society**

- Domestic violence and violence against women are one of the priority areas in the Gender Vision Policy document for 2021 – 2035, and the strategy foresees collaboration with civil society organizations to achieve the goals, although actions for implementation are sorely lacking. The Ilse Henar Hewitt (IHH) organization has worked for decades on trying to introduce legislation on harassment and intimidation in the workplace. In November 2022 the National Assembly finally passed the act against sexual harassment and intimidation in the workplace. However, even though the government is the largest single employer, this law does not apply to the government sector, which is governed by the 1962 Personnel Act. The Act stipulated that it would be amended within 12 months, but so far nothing has been done to that effect. Although there is no National Policy Plan on Domestic Violence, the Police Department has included Domestic Violence in its 2022-2027 policy plan. From 2022 onwards, civil society organization Women’s Rights Centre spearheaded an initiative for the evaluation of the current legislation on Domestic Violence, with funding from external donors. The evaluation is based on research, stakeholder consultations, presentations and conferences, all in cooperation with government and parliament. The results are input for the drafting of amended legislation, which is now ongoing.

### **Recommendations:**

#### The State Party should:

- Ensure that the applicability of the Law on Sexual Harassment is expanded to the public sector.

- Create mechanisms for the operationalization of the legislation on Domestic Violence.
- Increase funding and staffing for shelters for victims of Domestic Violence.
- Work together with civil society organizations to design and implement decentralized and/or community-based support, reporting, case registration, and case management mechanisms for domestic violence, especially for areas where there are no formal institutions (e.g. police) for reporting domestic violence.

## **G. Liberty and security of the person (art. 9)**

***Issue 11:** With reference to the Committee’s previous concluding observations 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 concluding observations and the information provided by the State party, 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, and investigations undertaken and their outcomes.*

### **Comments from Civil Society**

- So far, no measures have been taken to ensure that individuals arrested or detained on a criminal charge are brought before a judge within 48 hours. Surinamese law lays down 7 days of detention before the detainee is brought before a judge. The case of Robert-Gray van Trikt, former governor of the Central Bank of Suriname, serves as a good example of the lack of prompt access to counsel, long detention without charge and long pretrial detention, since it has been well reported in the media. In February 2020 Mr. van Trikt was asked to report to the police to be questioned in a fraud case being investigated. He was immediately detained without explanation or charge, and the Public Prosecutor’s Office ordered a total ban on all contact, initially for 8 days and extended it by another 8 days. Only after his lawyers appealed in court was the ban lifted and could he have contact with his lawyers. In the first four months of detention, he was held in a police detention facility, but from July 2020 onwards he was transferred to two different penitentiaries. Medical care was inadequate, and he had to be admitted to hospital twice for emergency treatment. In total, the pretrial period lasted from February 2020 to January 2022 - a total of 23 months. In May 2021 the family sent a letter to the President of Suriname’s High Court and in May 2022 to the Human Rights Specialist of the Caribbean Human Rights Court to complain, among other things, about the pretrial period and violations of human rights. The High Court responded with an acknowledgment of general stagnations and lengthy pretrial periods and, with respect to the case, promised that the High Court would investigate the complaint.<sup>38</sup>

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<sup>38</sup> From: Interview of Lilian Ferrier, mother of Robert-Gray van Trikt, 31 May 2024.

- The Pikin Saron case (see description of case under **Rights of minorities** below) is another example of lengthy pretrial detention. As of February 2024, the defendants in the Pikin Saron case had been detained for 10 months. The lawyers submitted a written request for release of their clients, stating that the previous request had been denied by the judge without motivation. They furthermore stated that their clients can only remain detained if they had attempted to flee or if their release would lead to the investigation becoming corrupted. Moreover, they stated that the criminal file has false content and that such inaccurate information makes the file untrustworthy. Lawyer Dubois noted during the court session that he had also heard remarks to the effect of “... they are Amerindians; they will disappear in the forest” and he underlined that personal characteristics can never be a motivation for preventive detention.<sup>39</sup>

### **Recommendations:**

The State Party should:

- Amend legislation to guarantee that anyone arrested or detained on a criminal charge is brought before a judge within 48 hours
- Provide education and mechanisms to comply with this guarantee to all police and judicial human resources

***Issue 12:** Please provide information on: (a) the number of pretrial detainees, including those held in police stations, and the percentage that 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 concluding observations and the information provided by the State party, 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 intellectual disabilities and persons with psychosocial disabilities, in accordance with article 9 of the Covenant and the Committee’s general comment No. 35 (2014) 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 that detention of children is used only as a measure of last resort, for the shortest appropriate period of time and subject to regular review with a view to their release.*

### **Comments from Civil Society**

- The Institutions and Shelters Act of 2014 is not applied, because it is claimed that the standards laid down in the law are too high. As a consequence, the required supervisory boards are not filled and the government agency in the Ministry of Social Affairs which is responsible for supervision, is understaffed. However, implementation can be achieved with proper planning of a trajectory set out

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<sup>39</sup> <https://dwtonline.com/in-case-pikin-saron-nu-al-zie-ik-dat-u-mij-veroordeelt-zonder-dat-er-bewijs-is/#:~:text=Kantonrechter%20Duncan%20Nanhoe,hij%20in%20herinnering>

over a period of time, with training and institutional strengthening, and with financing earmarked for the relevant institutions on the government budget. The protection of children, the elderly and other vulnerable groups must always comply with safe standards and Suriname has ratified international and regional conventions to that end. The University Institution for Child Rights and a number of civil society organizations (*Man mit Man*, *Trafas Foundation*, *St. Weid mijn Lammeren*), wrote a letter to the Minister of Social Affairs and also offered their assistance if necessary. The response to that letter was only that the matter was receiving attention.<sup>40</sup>

#### **Recommendations:**

##### The State Party should:

- Immediately bring the Institutions and Shelters Act of 2014 into full working order.
- Invest in capacity of state actors, such as the Ministry of Social Affairs, who are responsible for supervision.

## **H. Treatment of persons deprived of their liberty (art. 10)**

***Issue 13:** With reference to the Committee’s previous concluding observations and the information provided by the State party, please provide updated information on measures taken to ensure that prison and detention conditions are fully in accordance 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 and 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.*

#### **Comments from Civil Society**

- There are cases of callous and even inhumane treatment of detainees and prisoners in Suriname, but they often remain unknown because the victims and their families do not want to talk about it or are not heard by the authorities when they complain. The case of Derek Ramsamooj is, therefore, a good example to use for this purpose. Mr. Ramsamooj is a regional political scientist with dual citizenship of the United Kingdom and of Trinidad and Tobago. He has advised political parties across the Caribbean region for over 25 years. In 2015, Mr. Ramsamooj provided his professional services to the National Democratic Party (NDP), which formed the government of Suriname during the period 2015-2020. With the general elections of 25 May 2020, the government changed. Following a working visit in early

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<sup>40</sup> (Email exchange with Maya Manohar, LL.M of the Institute for Child Rights in the Anton de Kom University of Suriname, 28 – 31 May 2024).

2020, Mr. Ramsamooj's departure from Suriname was delayed due to the COVID 19 restrictions. In late 2020, two days before he was expected to depart Suriname, he was detained at his hotel and told that he had been placed on a "no-fly" list as a witness in connection with fraud allegedly committed by the NDP government. Although Mr. Ramsamooj provided documentary evidence exposing the charges as baseless, he was interrogated about the work he had done for the previous government and was thereafter held without access to counsel for 18 days, and for a further 57 days without charge after access to counsel was permitted. He was denied counsel, proper medical treatment, access to the courts and a fair and impartial judicial tribunal, was forced to place his signature on documents in the Dutch language (which he does not understand), and was subjected to lengthy interrogation without the provision of basic human amenities. Mr. Ramsamooj has medical evidence that his treatment in Suriname has resulted in irreversible deterioration to his health, since he suffered a stroke which went undiagnosed. On 15 May 2024 Mr. Ramsamooj's lawyer Justin Phelps sent a letter by e-mail to CARICOM Secretariat to inform about the case of Derek Ramsamooj and that his client proposed, if necessary, to challenge the conduct of Suriname regionally and internationally. On 27 May 2024, the lawyer sent a letter by hand and e-mail to the Prosecutor General of Suriname to complain that Suriname's Minister of Foreign Affairs, International Business, and International Cooperation had been quoted as stating that the Government of Suriname had not been formally informed about possible legal action to be taken against Suriname. He emphasized that a letter to that effect had been sent on 15 May 2024 through the official email address of the Public Prosecutor's Office to officially inform the relevant authorities of his client's possible legal challenge against Suriname. Milton Castelen, another of Mr. Ramsamooj's lawyers, said he is pleased that his client has taken the first steps to bring a case against Suriname for the violation of his human rights, claiming that it will contribute to a necessary improvement of Suriname's criminal system, which must become more humane. He also said that 'In Suriname, suspects are still too often treated as convicts.'<sup>41</sup>

### **Recommendations:**

#### The State Party should:

- Ensure that prison and detention conditions are fully in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

## **I. Access to justice, independence of the judiciary and right to a fair trial (art. 14)**

*Issue 18: With reference to the Committee's previous concluding observations and the information provided by the State party, please provide information on measures taken to provide the judicial system with adequate human and financial resources to ensure that it can operate effectively and address the*

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<sup>41</sup><https://dwtonline.com/regering-formeel-niet-geinformeerd-over-mogelijke-juridische-stappen-politiek-analist-ramsamooj/>  
<https://caribbean.loopnews.com/content/suriname-trinidadian-political-analyst-rushed-hospital>  
<https://www.starnieuws.com/index.php/welcome/index/nieuwsitem/81286>

*significant backlog of cases in both the criminal and the civil courts, including 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, and on any specific measures taken to improve access to justice, including for tribal peoples and Indigenous Peoples.*

### **Comments from Civil Society**

- The legal aid system leaves a lot to be desired: [non-payment](#) or late payment of lawyers leads to their demotivation to provide services, the general lack of knowledge of the right to legal aid and how to access this, the arrest and detention by the police for long periods of time without providing detainees with access to family and counsel to which they are legally entitled, and in some cases denial of access to proper and correct investigation to prepare for a fair trial.
- Suriname is a country where its people speak many languages and although the State party has added some measures to address language barriers, it has not fully committed to improve the situation. If a party is not proficient in Dutch, they themselves must obtain a sworn interpreter. Only if the judge deems it absolutely necessary will one be provided. Sworn interpreters are very costly, which is prohibitive for many people. The availability of an interpreter and properly translated texts also play a part for detainees who do not speak the official Dutch language or Sranan Tongo, the generally used contact language in Suriname. In general, there is a lack of consideration for whether the people being investigated can fully understand what is being said, particularly Indigenous and Tribal people with their own traditional languages, other foreign-language speakers like Chinese or Haitians who speak dialects of official languages, and persons with a hearing disability who require special interpreters. In practice, therefore, it means that a detainee or defendant who is not proficient in Dutch, will not be able to follow proceedings or defend him/herself, or may have to wait for weeks or months until a someone is sworn-in to translate for the case.
- The main obstacle to access to justice for Indigenous and Tribal Peoples (ITPs) is the fact that they are denied collective legal personality and their rights are nowhere laid down in law. Collective rights are not legally recognized and not laid down in law. The ITP authorities are not legally recognized, nor are the communities themselves. As an individual one can, of course, file a complaint, but besides language barrier mentioned above, access to justice is severely impaired for ITPs owing to their relatively low educational level, lack of transportation to the capital city, difficulties with acquiring legal aid, access to information, ethnic discrimination, and strong prejudices, to name a few.
- The judiciary is not decentralized, and therefore everyone must travel to the capital to appear in court. The only other place where the court holds sessions is the western coastal district of Nickerie. It is especially a challenge for communities in remote districts and the ITP communities of the hinterland, where road access to the coastal area is bad or non-existent, or who encounter high transportation costs for air and boat travel.
- The orders of the Inter-American Court of Human Rights to take measures on training and upgrading of the judiciary in Suriname, so as to better address the rights and needs of ITPs, and to enable adequate access to justice by ITPs, have also remained unaddressed by the State.

## **Recommendations:**

### The State Party should:

- Enact legislation on the rights of Indigenous and Tribal Peoples, recognizing their legal personality and standing before law, recognizing their rights as confirmed in the UN Declaration on the Rights of Indigenous Peoples and in judgments of the Inter-American Court of Human Rights, among others, their traditional governance systems and traditional representative authorities.
- Ensure that the budgets for legal aid services are increased and paid on time.
- Ensure that interpretation services are expanded.
- Decentralize the judiciary to at least 2 other districts, particularly in order to provide more and better access to justice for ITPs.
- Training and upgrading of the Judiciary in Suriname to better address the rights and needs of ITPs (which was also ordered in the IACHR cases of Saramaka and Kaliña & Lokono).

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

*Issue 22: With reference to the Committee's previous concluding observations and the information provided by the State party, please provide information on measures taken to abolish corporal punishment, in law and in practice, including in the family, 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 acts of child abuse are effectively investigated, that the perpetrators are prosecuted and sanctioned and that child victims have access to adequate remedies, including specialized care.*

### **Comments from Civil Society**

- According to the Suriname Multiple Indicator Cluster Survey (MICS) 2018, the incidence of violent child discipline is very high in Suriname: 88 % of children aged 2-14 years were subjected to at least one form of violent psychological or physical punishment by household members; 90% of interviewed children aged 1 to 14 years experienced violent disciplining in the month before the interviews. The Violence against Children (VAC) study 2017 – 2018 in Suriname also underscores these findings.
- The VAC study showed that government child protection programmes are inadequate, due to a myriad of reasons, e.g. a lack of a coordinated approach and a tracking system in the support process, lack of case management and monitoring systems; and lack of defined processes and protocols for professional groups working with children present. There is a shortage of social workers in public service and at NGO level, as well as of adequate childcare and guidance of traumatized children.
- Based on the recommendations of the Violence against Children Study, in 2018, the Government of Suriname initiated setting up a coordinated mechanism for the child protection services through the IKBen network of service providers both at public and NGO level. Processes and procedures were discussed and a set of tools were developed and a system for case work and case management was

proposed. Although the initial steps are hopeful, this system is still not fully implemented among all service providers working in the chain of child protection.

- Suriname has about 44 children's homes, these are mostly managed by private organizations or individuals (including religious organizations). Children are put into their care by family who cannot adequately care for them anymore, or by the authorities in cases of abuse or other deprived circumstances. The government has a financial aid system in place through which it should support these children's homes, however there has been discussions about the efficiency and the reach of this system.
- Over the years, the Government has worked on revising its financial aid policy but it still brings a lot of challenges for the children's homes to apply. The procedures are experienced as cumbersome by children's homes. If they do not comply however, aid is withheld by the government, who herself uses these homes as a refuge for their wards.<sup>42</sup>
- The Children and Young Persons Labour Act was approved by the National Assembly in 2018. A Child Labour Committee has been set up by the Ministry of Labour to evaluate this law. According to the University Institute for Child Rights in the Anton de Kom University of Suriname, the media has several times made mention of child labour in the gold fields in the hinterland of the country, but there is still a lack of adequate control.
- The care and guidance of child victims of sexual violence is not entirely effective. The *Stichting voor het Kind* (Foundation for the Child) takes care of girl child victims of sexual violence, who are brought to the foundation's shelter by the police. The government does not help to provide professional psychological guidance and the foundation cannot afford this, since it is entirely dependent on donations.

### **Recommendations:**

#### The State Party should:

- Increase the quality and quantity of shelters for child victims of violence.
- Continue and strengthen the IKBen network, providing them with adequate resources and assistance to further a coordinated approach in child protection.
- Restructure the subsidy policy for the children's homes and make the processes and procedures practical and transparent.
- Support children's homes in the application process effectively.
- Commitment to efficient and effective timelines set from the application until the homes actually receive the funds.
- Ensure that children's homes must be authorized to receive the monthly child benefit, which is given by government to all children below the age of eighteen years, of the children under their care. (Currently, these are still received by the parents.)

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<sup>42</sup> UPR 2021 shadow report Projekta.



## K. Participation in public affairs (arts. 25 and 26)

*Issue 23: Please provide information on measures taken to ensure the effective representation of tribal peoples and Indigenous Peoples in political decision-making positions. With reference to the Constitutional Court's ruling of 5 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 (1996) (para. 21). Please provide information on steps taken to ensure the effective exercise by Surinamese nationals residing abroad of the right to vote in national elections.*

### Comments from Civil Society

- The revised Electoral Act recently passed in parliament almost excludes newer, small- and medium-sized political parties from participation because of the required deposit of SRD 750,000 (approximately 23700 US dollars) to register, which is an amount they cannot afford. The revised law provides for a national electoral system proportional to population density. It thus ensures that areas with a higher population density will deliver more votes, and therefore more seats in the 51-seat National Assembly. While on the one hand it ensures a more equitable representation for the general population, on the other hand it reduces representation and participation in decision-making of the Indigenous and Tribal communities of the interior. The previous district representative system actually ensured a total of 10 (out of 51) seats in the National Assembly for districts where predominantly Indigenous and Tribal people live (Sipaliwini had 4 seats; Brokopondo 3 seats; Marowijne 3 seats). Proposed candidates by political parties are likely to now come from urban districts and no longer from the "Interior districts", since the development level and facilities are not the same in the coastal area and the hinterland and the number of voters is much higher in the coastal area.
- The Recall Act provides for recall by the party that delivered the elected parliamentarian if he/she leaves the party. It is an obstacle to true democracy, since parliamentarians are thus more inclined to serve their political party first and the country second. Moreover, this law actually gives the chair of the party much more power than previously, since recall is officially placed in hands of the party chair. This promotes undemocratic governance.<sup>43</sup>

### Recommendations:

#### The State Party should:

- Undertake a broad social dialogue process on the effects of the new law on the representation of ITPs, and co-design measures to ensure meaningful political participation by these peoples
- Immediately recall the 'Recall' Act.

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<sup>43</sup><https://dwtonline.com/marrons-en-het-gewijzigde-kiesstelsel-het-is-puur-opportunisme-van-de-dna-leden/#:~:text=Hij%20verdedigt%20het,opgetreden%20als%20nu>

## L. Rights of minorities (art. 27)

*Issue 24: With reference to the Committee's previous concluding observations and the information provided by the State party, please provide an update on measures taken to ensure effective and meaningful consultation with tribal peoples and Indigenous Peoples in decision-making in all areas that have an impact on their rights, including legislative measures such as the draft law on the collective rights of Indigenous Peoples and tribal peoples. Please provide information on measures taken to ensure that the draft law on land conversion respects and protects the collective land rights of Indigenous Peoples 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 of Indigenous Peoples affected. Please provide information regarding action taken to fully implement the judgments of the Inter-American Court of Human Rights regarding the rights of Indigenous Peoples, in particular in *Moiwana Community v. Suriname* (2005), *Saramaka People v. Suriname* (2007) and *Kaliña and Lokono Peoples v. Suriname* (2015).*

### **Comments from Civil Society**

- The approximately 20,000 Indigenous people (4 percent of the Surinamese population with more than fifty villages) are historically continuously undervalued. As a group, Indigenous people have increasingly been forced into a corner by economic or violent actions in their living areas by private individuals. Their existence is threatened by goldmining activities that poison the environment with mercury and large-scale clear-cutting associated with those mining activities. Traditional lands are given away on a large scale to individuals and private foundations who resell them.
- Indigenous and Tribal peoples are increasingly confronted with land allocations to strangers on their traditional lands, to which they are powerless. Land titles are being converted into ownership through the new land conversion presidential decree, which threatens their living areas. The proposed land conversion law includes a presumed exclusion of Indigenous and tribal areas, but it is very poorly and unclearly formulated and there are many loopholes that are detrimental to ITPs' rights which are not laid down in the legislation of Suriname, and their land rights are also not recognized, leaving their lands up for grabbing, including through the recent land conversion presidential decree. If private individuals apply for and acquire land in areas where Indigenous and tribal peoples live, the new property owner can deprive them of their traditional living and spiritual area.
- Although the Advisory Council advised the President against the manner in which the government wants to implement land conversion and recommended that the President wait for the Land Conversion Act, which was already been discussed by the National Assembly, he nevertheless decided to effectuate the implementation of land conversion by means of a State Decree. In a

conversation with the newspaper *De Ware Tijd*, the Head of State indicated that the advice of the Advisory Council might be influenced by partisan politics.<sup>44</sup>

- The Pikin Saron case is an example of violence erupting after decades-long frustration. Two lives were lost in the evening of Tuesday, 2 May 2023 in the Indigenous village of Pikin Saron in dubious circumstances, which seem to point to excessive police violence. A request for clarification from various UN Rapporteurs to the State of Suriname has so far remained unanswered. The origin of the eruption lies in the dissatisfaction of Indigenous people that their rights are systematically neglected; they have no say in logging and gold mining in their own traditional living areas and there is an absence of legal recourse for ITPs in Suriname. Particularly in recent years, concessions have been issued left and right to apparently influential individuals, including leading politicians. Discussions between village heads and the government came to nothing, which led to the violence and loss of lives on 2 May 2023. The Indigenous villages have again demanded that all concessions be withdrawn, and the government was given an ultimatum by the Association of Traditional Indigenous Village Leaders in Suriname (VIDS). VIDS also demanded that the government conduct an independent investigation into how the two villagers died. So far, the government has not yet responded to the demands. The Pikin Saron case does not stand on its own as an example of dissatisfaction of how Indigenous lands are given away for mining and logging without the internationally recognized right to free, prior and informed consent (FPIC) by the affected people(s).<sup>45</sup>
- Suriname has still not met the requirements set by the Inter-American Court of Human Rights in the Kali'na and Lokono case (Judgment of November 25, 2015. Series C No. 309). The only activities carried out by the state were the translation into Dutch of the summary of the judgment; submission of a bill to the National Assembly in 2021, drawn up with participation of ITPs; and payment of SRD 1.000.000 instead of USD 1.000.000 to KLIM (the local Indigenous organization), for the Development Fund, which is included as an obligation in the judgment. Meanwhile, the Indigenous peoples have self-demarcated their lands and presented this to the government. In 2023, the National Assembly made amendments to the draft bill on Collective Rights of Indigenous peoples and Tribal peoples that was submitted by the government in 2021; the Indigenous and Tribal peoples do not agree with these amendments.

## **Recommendations:**

The State Party should:

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<sup>44</sup><https://dwtonline.com/president-zet-grondconversie-via-staatsbesluit-door/#:~:text=De%20omzetting%20van%20grondhuur%20en%20erfpacht%20naar%20eigendom%20via%20een%20staatsbesluit%2C%20zoals%20president%20Chandrikapersad%20Santokhi%20zich%20heeft%20>

<sup>45</sup> <https://dwtonline.com/aanslagplegers-pikin-saron/#:~:text=bij%20het%20Inheemse%20dorp%20Pikin%20Saron%20van%20dinsdag%20waarbij%20twee%20levens%20viele%20te%20betreuren%2C%20is%20niet%20uit%20de%20lucht%20komen%20vallen.%20In%20feite%20was%20het%20te%20verwachten%20dat%20zoiets%20zou%20gebeuren%20en%20de%20in%20generaties%20opgebouwde%20emoties%20en%20frustraties%20hiertoe%20zouden%20leiden>  
<https://dwtonline.com/beschouwing-grondenrechten-Inheemsen-in-driehoekskrachtenveld/#:~:text=De%20ongeveer%2020.000,mensenrechten%20blijven%20ongestraft.>  
<https://dwtonline.com/platform-oorspronkelijke-rechten-Inheemsen-voelt-zich-in-hun-bestaan-bedreigd/#:~:text=De%20groep%20heeft,ten%20koste%20van>

- Adopt without delay, by a specific deadline, legislation on the collective rights of Indigenous peoples and Tribal Peoples that adheres to the highest standards of international law and in particular to the obligations of the State under international law, including the obligations as mentioned in the judgments of the Inter-American Court of Human Rights;<sup>46</sup>
- Immediately and fully implement the recommendations related to access to justice made by CERD;<sup>47</sup>
- Provide information whether any of the land parcels approved for conversion into property, are within the ancestral territories of ITPs;
- Provide guarantees that no ITPs' territories can and will be included in any further land conversion, and provide guarantees for measures to prevent any future conversion to be on land considered ITPs' traditional territory;
- Ensure that the "Land Conversion Law" is considered only after the collective land rights of Indigenous peoples and Tribal peoples have been legally secured;
- Ensure the full and effective participation of Indigenous peoples and Tribal Peoples in the drafting or revision of legislation that will impact on them.

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<sup>46</sup> Moiwana Community v. Suriname (2005); Case of the Saramaka people v. Suriname (2007); Case of Kaliña and Lokono peoples v. Suriname (2015).

<sup>47</sup> CERD/C/SUR/CO/16-18, 2022.

Attachments:

- Letter of 15 May 2024 of Mr. Ramsamooj's lawyer, Justin Phelps, to the Caricom Secretariat, available [here](#).
- Letter of 27 May 2024 of Mr. Ramsamooj's lawyer Justin Phelps to the Prosecutor General of Suriname, available [here](#).
- Response of Suriname High Court re. case Van Trikt, available [here](#).