



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined sixteenth to eighteenth periodic reports of Suriname*

1. The Committee considered the combined sixteenth to eighteenth periodic reports of Suriname,¹ submitted in one document, at its 2909th and 2911th meetings,² held on 18 and 19 August 2022. At its 2921st meeting, held on 26 August 2022, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined sixteenth to eighteenth periodic reports of the State party. The Committee expresses its appreciation for the constructive dialogue held with the State party's high-level delegation, for the information provided during the consideration of the report and for the additional written information submitted after the dialogue.

B. Positive aspects

3. The Committee welcomes the State party's accession to or ratification of the following international human rights instruments:

- (a) The Convention on the Rights of Persons with Disabilities, on 29 March 2017;
- (b) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 16 November 2021;
- (c) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 16 November 2021.

4. The Committee also welcomes the following legislative and institutional measures taken by the State party:

- (a) The establishment of the Constitutional Court, in August 2019;
- (b) Accession to the Minamata Convention on Mercury, in August 2018, aimed at protecting populations at risk, including indigenous peoples and other vulnerable populations, from the negative effects resulting from mercury pollution;
- (c) The adoption of the act on the protection of residential and living areas of indigenous and other tribal Surinamese groups, on 22 December 2017, which prevents the Government from granting any concession (licence) in, or in the surrounding areas of, the tribal communities.

* Adopted by the Committee at its 107th session (8–30 August 2022).

¹ CERD/C/SUR/16-18.

² See CERD/C/SR.2909 and CERD/C/SR.2911.



C. Concerns and recommendations

Civil society involvement

5. The Committee regrets the lack of detailed information on the consultations with, and involvement of, civil society organizations, particularly those representing indigenous and tribal peoples, during the preparation of the State party report and during the review of the State party.

6. **The Committee recommends that the State party increase its efforts to involve civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, including organizations representative of the indigenous and tribal peoples, in the processes of the implementation of the concluding observations and of the preparation and review of its next periodic report, and also consult them in those processes.**

Statistics

7. The Committee takes note of the data on ethnic groups in the State party, collected through the census of 2012. It also notes that the population and housing census in Suriname was delayed because the General Bureau of Statistics did not have sufficient financial and human resources, and that the census will be conducted in 2024. However, the Committee is concerned about the lack of comprehensive and updated statistics on the demographic composition of the population, disaggregated by ethnic and national origin, including on indigenous and tribal peoples, persons of African descent, migrants, asylum-seekers, refugees and stateless persons, and on the economic and social indicators of the various population and ethnic groups (arts. 1–2 and 5).

8. **Recalling paragraphs 10 to 12 of its guidelines for reporting under the Convention,³ the Committee recommends that the State party collect, and provide to the Committee in its next report, reliable, updated and comprehensive statistical data on the demographic composition of the population, based on the principle of self-identification, including ethnic groups, indigenous and tribal peoples, and non-citizens, including refugees, asylum-seekers and stateless persons, together with socioeconomic indicators, disaggregated by ethnicity, gender and age. The Committee recommends that the State party provide the General Bureau of Statistics with adequate financial, technical and human resources to carry out the population and housing census in 2024, and that the State party continue its efforts to adopt, with the active involvement of indigenous and tribal peoples, people of African descent, ethnic groups and civil society organizations in Suriname, an appropriate methodology for the 2024 population and housing census, including in respect of self-identification. The Committee draws the State party's attention to its general recommendation No. 4 (1973) concerning reporting by States parties under article 1 of the Convention, with regard to the demographic composition of the population.**

Prohibition of racial discrimination

9. The Committee notes the information provided by the delegation during the dialogue on the intention of the State party to draft and adopt a comprehensive anti-discrimination law and on the legislative framework to prohibit racial discrimination, particularly article 8 (2) of the Constitution and articles 126 bis and 175 bis of the Penal Code. However, the Committee is concerned that the applicable national legislative framework lacks an explicit definition of racial discrimination on all the grounds enumerated in article 1 of the Convention and that it does not expressly prohibit both direct and indirect racial discrimination in the public and private spheres (arts. 1–2).

10. **Recalling the relevant recommendation in its previous concluding observations,⁴ the Committee recommends that the State party prioritize the drafting and adoption of a comprehensive anti-discrimination law, within a clear time frame and with the**

³ CERD/C/2007/1.

⁴ CERD/C/SUR/CO/13-15, para. 10.

effective and meaningful participation of and consultation with civil society organizations and members of indigenous and tribal peoples, and ensure that it includes a definition of racial discrimination in line with article 1 of the Convention and that it expressly prohibits both direct and indirect racial discrimination in the public and private spheres.

Structural discrimination

11. The Committee remains concerned about the situation of indigenous and tribal peoples, and migrants, refugees and asylum-seekers, who face persisting discrimination in accessing and enjoying their human rights. The Committee is also concerned about the lack of information on special measures taken by the State party to address the structural discrimination faced by those groups (arts. 2 and 5).

12. Recalling the relevant recommendation in its previous concluding observations⁵ and its general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention, the Committee recommends that the State party take all special measures necessary to address the existing structural discrimination faced by indigenous and tribal peoples, and by refugees, asylum-seekers and migrants, in the enjoyment of their rights, in conformity with articles 1 (4) and 2 (2) of the Convention.

National human rights institution

13. While noting the information on measures taken, including the drafting of a law and the consultations to establish a national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), the Committee remains concerned that such an institution has not yet been established (art. 2).

14. Recalling the relevant recommendation in its previous concluding observations⁶ and its general recommendation No. 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention, the Committee recommends that the State party expedite the adoption of the draft law on an independent national institution for the promotion and protection of human rights, with a mandate to combat racial discrimination, and provide the institution with adequate resources to enable it to fulfil its mandate fully and in full compliance with the Paris Principles. The Committee also recommends that the State party ensure effective and meaningful consultations with civil society organizations in that process.

Hate crimes and hate speech

15. The Committee takes note of the information that article 175 bis of the Penal Code prohibits organizations from promoting and inciting racial discrimination, and that the same article criminalizes incitement to hatred, discrimination or violence on the ground of race, religion and belief. The Committee remains concerned that the national legislative framework does not contain provisions that expressly criminalize the dissemination of ideas based on racial superiority, the provision of assistance to racist activities, propaganda activities promoting and inciting racial discrimination, the participation in organizations or activities promoting and inciting racial discrimination and the incitement to racial hatred, irrespective of the means of dissemination and whether committed in private or in public, in line with article 4 of the Convention and on all grounds recognized in article 1 of the Convention. The Committee is also concerned about the increase in the number of hate crimes and in the amount of hate speech on the Internet and social media, notwithstanding the measures taken by the State party to monitor and prevent such acts (arts. 1 and 4).

16. In accordance with its general recommendations No. 7 (1985) relating to the implementation of article 4 of the Convention, No. 15 (1993) on article 4 of the Convention and No. 35 (2013) on combating racist hate speech, the Committee recommends that the State party review and amend its legislative framework,

⁵ Ibid., para. 22.

⁶ Ibid., para. 14.

particularly the Penal Code, to explicitly criminalize racist hate speech and hate crimes in line with article 4 of the Convention, and ensure that the framework includes all grounds of discrimination recognized in article 1 of the Convention. The Committee also recommends that the State party strengthen its efforts to monitor and combat the spread of racist hate speech, including on the Internet and social media, and to provide training for the police, prosecutors and judges on the proper methods for identifying, registering, investigating and prosecuting cases of racist hate speech and hate crime.

Complaints of racial discrimination

17. The Committee regrets the lack of data on complaints of racial discrimination, hate crimes and hate speech filed, as well as on investigations, prosecutions, convictions and sanctions imposed by domestic courts. The Committee also regrets the lack of information on the availability and accessibility of a specific judicial mechanism for addressing cases of racial discrimination and on the legal aid available for victims of racial discrimination, particularly for indigenous and tribal peoples (arts. 4 and 6).

18. **The Committee draws the State party's attention to its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, and recalls that an absence of complaints and legal action relating to racial discrimination may reveal a lack of suitable legislation, poor awareness of the legal remedies available, a lack of trust in the judicial system, a fear of reprisals or a lack of will on the part of the authorities to prosecute the perpetrators of such acts. It recommends that the State party:**

(a) **Adopt measures to facilitate the filing of complaints on racial discrimination, hate crimes and hate speech and ensure the accessibility and availability of those measures to victims;**

(b) **Undertake public education campaigns on the rights enshrined in the Convention and on how to file complaints of racial discrimination, hate crimes and hate speech;**

(c) **Conduct training programmes for police officers, prosecutors and other law enforcement officials on the identification and registration of incidents of racial discrimination, hate crimes and hate speech;**

(d) **Collect statistics on complaints of racial discrimination, hate crimes and hate speech submitted and on investigations and prosecutions undertaken, convictions handed down and sanctions imposed and include those data in its next report.**

Legislative framework on indigenous and tribal peoples

19. The Committee takes note of the information provided by the delegation during the dialogue that the draft law on the collective rights of indigenous and tribal peoples has undergone public consultations and is now before the parliament. Nevertheless, the Committee is concerned about the long delay in finalizing and adopting a legislative framework on the rights of indigenous and tribal peoples. It regrets the lack of information on measures taken to ensure effective and meaningful inclusion of opinions expressed during consultations with indigenous and tribal peoples in this drafting process (art. 5).

20. **Recalling its general recommendation No. 23 (1997) on the rights of indigenous peoples, the Committee recommends that the State party expedite the adoption, within a clear time frame, of the draft law on the collective rights of indigenous and tribal peoples, with the effective and meaningful participation of indigenous and tribal peoples and of the concerned civil society organizations.**

Access to justice

21. The Committee remains concerned about the lack of information on measures taken by the State party to address persistent discriminatory decision-making in the judicial system, and obstacles faced by indigenous and tribal peoples in accessing domestic courts through their institutional structures, and thus in accessing justice and other remedies for addressing all infringements of their individual and collective rights, in particular in relation to the

enjoyment of their rights to land, resources and property. While noting the information provided by the delegation on the measures taken to establish legal aid offices in the State party, the Committee is concerned that those offices have not yet been set up in the remote areas of the country, which hinders the access to remedies by indigenous and tribal peoples (art. 6).

22. Recalling the relevant recommendation in its previous concluding observations⁷ and its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party adopt measures, including legislative, to ensure that indigenous peoples are provided with effective remedies for all infringements of their individual and collective rights, in particular in relation to the enjoyment of their rights to land, resources and property, by facilitating their access to domestic courts through their institutional structures; and to recognize the collective legal personality of indigenous and tribal peoples. It also recommends that the State party accelerate the establishment of legal aid offices across all districts in the remote areas of the country to facilitate equal access to justice for victims of racial discrimination, including indigenous and tribal peoples.

Lands, territories and natural resources

23. The Committee takes note of the information on the adoption of the act on the protection of residential and living areas of indigenous and other tribal Surinamese groups on 22 December 2017 and of the establishment of three technical commissions by the Minister of Regional Development on natural resources and landownership by indigenous and tribal peoples. However, the Committee is concerned about:

(a) The lack of measures taken to address pervasive and persistent discrimination that characterizes the enjoyment by indigenous and tribal peoples of their property rights in line with their traditions, customs and land tenure systems;

(b) The delay in developing and finalizing a legislative framework on free, prior and informed consent regarding development projects on indigenous lands and in ensuring that such consent is obtained before lands are expropriated, and about the absence of available remedies, including compensation;

(c) The lack of measures taken by the State party to address discrimination faced by indigenous and tribal peoples that hampers their full enjoyment of their cultural and economic rights in natural reserves established on their ancestral lands (art. 5).

24. Recalling the relevant recommendation in its previous concluding observations,⁸ the United Nations Declaration on the Rights of Indigenous Peoples, and its general recommendation No. 23 (1997) on the rights of indigenous peoples, the Committee recommends that the State party:

(a) **Take measures to develop and recognize the collective rights of indigenous and tribal peoples to own, develop, control and use their lands, resources and communal territories according to customary laws and traditional land-tenure systems and to participate in the exploitation, management and conservation of the associated natural resources through their institutions in accordance with their own traditions;**

(b) **Adopt measures to ensure consultation with indigenous peoples on any projects or legislative or administrative measures that may affect their land, territories and resources and with a view to obtaining their free, prior and informed consent;**

(c) **Take measures to ensure access by indigenous peoples to effective remedies and provide them with just and fair compensation for the lands, territories and resources that they have traditionally owned or used and which have been confiscated, occupied or used without their free, prior and informed consent or which have been damaged;**

⁷ CERD/C/SUR/CO/13-15, para. 37.

⁸ Ibid., paras. 24 and 26.

(d) **Adopt measures to guarantee that national reserves established on ancestral territories of indigenous and tribal peoples allow for sustainable economic and social development compatible with the cultural characteristics and living conditions of those communities.**

Environmental contamination and its impact on health

25. The Committee notes that the State party ratified the Minamata Convention on Mercury in 2018. It also notes the existence of domestic legislation on the prohibition of the importation and use of mercury in the State party. Nevertheless, the Committee is concerned about reports of ongoing pollution – mercury and other toxics – on land and in rivers, resulting from gold mining, legal and illegal deforestation, road construction, and illegal airstrips in the interior, which has had a negative impact on the environment and on the means of subsistence and the health of indigenous and tribal peoples. It is also concerned that the penalties for using and importing mercury are based on fines and are not registered by the relevant authorities (art. 5).

26. **Recalling the relevant recommendation in its previous concluding observations,⁹ the Committee recommends that the State party strengthen its efforts to implement the prohibition of the importation and usage of mercury in the country, review and amend its legislative framework to introduce adequate penalties for the use of mercury and provide statistics on complaints received, cases investigated and prosecuted, and sanctions imposed for such acts. It also recommends that the State party adopt measures to ensure that contaminated areas are cleaned and that the indigenous and tribal peoples affected are given access to clean, drinkable water and health care and are entitled to effective remedies and adequate compensation for the territories contaminated by mercury.**

Judgments of the Inter-American Court of Human Rights

27. The Committee is concerned about the lack of the full implementation by the State party of the judgments of the Inter-American Court of Human Rights, specifically concerning the rights of indigenous and tribal 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) (arts. 2, 5 and 6).

28. **The Committee reiterates its previous recommendations¹⁰ and urges the State party to ensure the full implementation of the judgments of the Inter-American Court of Human Rights regarding the rights of indigenous and tribal peoples.**

Situation of indigenous and tribal peoples with regard to health and education

29. The Committee is concerned about reports of the limited access of those living in remote areas, most of whom belong to indigenous and tribal peoples, to adequate public services, education and health care, and particularly about:

(a) The lack of detailed information on access to education by indigenous and tribal children, particularly with regard to attendance rate and school dropout;

(b) The absence of information on the implementation of programmes to adapt the educational system to the culture of indigenous and tribal peoples, including with regard to the preservation and study of their languages and cultures;

(c) The obstacles to access to health services, due to the inadequate and limited infrastructure, as well as the limited access by indigenous and tribal women to sexual and reproductive health services (art. 5).

30. **The Committee recommends that the State party adopt measures to:**

(a) **Ensure the availability of, and accessibility for the indigenous and tribal peoples on an equal footing to, adequate education and health-care services, including**

⁹ Ibid., para. 28.

¹⁰ Ibid., para. 30.

by enhancing the infrastructure of existing facilities and increasing the availability of schools and health-care facilities in remote areas of the country;

(b) **Adapt the educational system to the cultures of indigenous peoples and tribal peoples and, in doing so, take into account the need to preserve their languages and cultures, and consider introducing, as appropriate, the study of their languages;**

(c) **Enhance the availability and accessibility of sexual and reproductive health services for indigenous and tribal women, by involving them in their design.**

Migrants, asylum-seekers and refugees

31. The Committee is concerned that migrants, asylum-seekers and refugees are victims of prejudices, stereotypes and discriminatory acts and face major difficulties accessing employment and basic services, especially health-care services and education, owing to, among other things, their lack of identity documents (art. 5).

32. **Taking into account its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party take the action necessary to ensure the protection of non-citizens. In particular, the Committee urges the State party to:**

(a) **Design and implement measures to enhance the full participation and integration of migrants, asylum-seekers and refugees into society;**

(b) **Conduct awareness-raising, information and educational campaigns designed to dispel negative stereotypes about migrants and avoid using negative representations of migrants in the general migration policy;**

(c) **Remove barriers that, in practice, impede access to health-care services, education and employment by ensuring the timely issuance of identity documents;**

(d) **Adopt, as a matter of urgency, measures to provide a timely response to the residency applications submitted by migrants who find themselves without any official identification, and to make sure that migrants have access to the necessary information with regard to procedures concerning the regularization of their status.**

Stateless persons

33. The Committee is concerned about the lack of procedures for determining statelessness in the State party. It is also concerned that indigenous and tribal peoples, and migrant workers living in remote areas of the country, have limited access to official birth registration (art. 5).

34. **The Committee recommends that the State party adopt and implement procedures for the determination of statelessness and to adopt measures for ensuring that all people born in the State party are registered and issued an official birth certificate. It also recommends that the State party raise awareness among people living in the interior of the State, and in local registry offices and other relevant institutions, on programmes and campaigns on the importance of registering the birth of all children, including children born to migrant workers in both regular and irregular situations.**

Combating trafficking in persons

35. The Committee notes the implementation of the national plan against trafficking in persons and the work carried out by the relevant inter-departmental working group to facilitate the planning, implementation, monitoring and evaluation of national strategies in response to trafficking in persons. Nevertheless, the Committee regrets the lack of detailed information regarding the situation of trafficking in persons in the State party, the lack of evaluation of the effectiveness of the national plan and the lack of training for law enforcement, immigration and judicial officials on addressing situations of trafficking in persons. The Committee is also concerned about the reported detention of victims of trafficking in persons (art. 5).

36. The Committee urges the State party to ensure an effective application of the legislation on trafficking in persons and the implementation of the national plan. The Committee recommends that the State party make sure that all instances of trafficking in humans are effectively investigated, that those responsible are prosecuted, that adequate penalties are imposed on those convicted. It further recommends that the State party develop, and provide to law enforcement, immigration and judicial officials, including in the remote interior regions, enhanced training on methods to identify and protect victims of trafficking and persons with international protection needs who may also be victims of trafficking. It also recommends that the State party provide aid and assistance for victims of trafficking in persons, considering their specific needs. It requests the State party to include detailed information regarding the full scope of trafficking in persons within the country.

D. Other recommendations

Ratification of other treaties

37. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization, and the International Convention for the Protection of All Persons from Enforced Disappearance. The Committee encourages the State party to accede to the Convention relating to the Status of Stateless Persons, the Convention on the Reduction of Statelessness and the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance.

Amendment to article 8 of the Convention

38. The Committee recommends that the State party accept the amendment to article 8 (6) of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111.

Declaration under article 14 of the Convention

39. The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention recognizing the competence of the Committee to receive and consider individual communications.

Follow-up to the Durban Declaration and Programme of Action

40. In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

International Decade for People of African Descent

41. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a

suitable programme of measures and policies in collaboration with organizations and peoples of African descent. The Committee requests that the State party include in its next report precise information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.

Dissemination of information

42. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all State bodies entrusted with the implementation of the Convention, including at the district level, in the official and other commonly used languages, as appropriate.

Common core document

43. The Committee encourages the State party to update its common core document, which dates to 11 January 2022, in accordance with the harmonized guidelines on reporting under the international human rights treaties, in particular those on the common core document, as adopted at the fifth inter-committee meeting of the human rights treaty bodies held in June 2006.¹¹ In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 42,400 words for such documents.

Follow-up to the present concluding observations

44. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 20 (legislative framework on indigenous and tribal peoples), 26 (environmental contamination and its impact on health) and 34 (stateless persons) above.

Paragraphs of particular importance

45. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 14 (national human rights institution), 22 (access to justice) and 24 (lands, territories and natural resources) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

Preparation of the next periodic report

46. The Committee recommends that the State party submit its combined nineteenth and twentieth periodic reports, as a single document, by 14 April 2026, taking into account the reporting guidelines adopted by the Committee during its seventy-first session¹² and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.

¹¹ HRI/GEN/2/Rev.6, chap. I.

¹² CERD/C/2007/1.