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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Twenty-seventh session

Summary record of the 557th meeting
Held at Headquarters, New York, on Friday, 7 June 2002, at 10.30 a.m.

Chairperson: Ms. Abaka

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The meeting was called to order at 10.55 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined initial and second periodic reports of Suriname (CEDAW/C/SUR/1-2)

1. *At the invitation of the Chairperson, the members of the delegation of Suriname took places at the Committee table.*

2. **Ms. Joella-Sewnundun** (Suriname) said that, as Minister of Home Affairs, with responsibility for gender policy in Suriname, she welcomed the opportunity to enter into a dialogue with the Committee on the implementation of the Convention in her country. The Convention had entered into force in Suriname on 31 March 1993. The report before the Committee, covering the period 1993 to 1998, had been drafted with wide support from the Government and non-governmental organizations. It should be noted, however, that the availability of reliable statistics had been limited.

3. The Government took gender development and policy seriously and had drawn up an Integral Gender Action Plan for 2000 to 2005. It had also participated in the Post-Beijing Plan of Action of the Caribbean Community (CARICOM). A gender management system had been set up to achieve gender mainstreaming in the various ministries, and a Commission on Gender Legislation had been appointed in August 2001. Suriname had also ratified the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

4. After outlining the socio-economic conditions and political history of Suriname to provide a general context in which the national gender policy was implemented, she added that the serious economic crisis in Suriname had an impact on all layers of the community, including gender policy and the daily lives of women. The Constitution contained a provision defining discrimination, while it did not specifically refer to gender. Equality of men and women before the law was also incorporated in the Constitution. The law did not, however, provide for a special institution to which women could turn with complaints of gender discrimination. In January 1998, the National Gender Bureau had been incorporated into the Ministry of Home Affairs, which had responsibility for gender policy formulation and execution and the promotion and protection of women's rights. Women who experienced discrimination on the basis of gender could bring a case to the common court, in accordance with the Constitution.

5. Interest in gender affairs had grown since the Fourth World Conference on Women in 1995, in particular the recommendations in the Beijing Platform for Action concerning poverty alleviation, women and the economy, women and health, women and the media and violence against women. Activities since the Beijing Conference included training for national women's organizations and the communications media, skills development for women interested in politics, the start of a United Nations Development Fund for Women (UNIFEM) programme in 1998 and a review of national legislation in the light of international conventions.

6. While there were no legal impediments to women's participation in politics and decision-making, only a small proportion, about 10 per cent, were involved. The Government had launched a number of information and training programmes to promote such participation, and there had been some modest improvements after the most recent election. There were three female ambassadors, and the Minister for Foreign Affairs was a woman.

7. Education at all levels was funded by the State and was free for all, but the situation was likely to change as a result of the recent economic crisis. The dropout rate was around 50 per cent, and studies were needed to determine why it was so high. Girls who left school because of pregnancy could participate in programmes encouraging them to complete their education.

8. The public health system in Suriname had always been reasonably well developed, but access to medical facilities had been reduced since the early 1990s because of increasing poverty. Abortion was a punishable act under the Penal Code, though illegal abortions still took place. No data was available on complications from abortion. Contraceptives and prophylactics were available throughout the country through the regional health services. Oral contraceptives were the most prevalent family planning method, although a switch to condom use was advocated because of the increasing rate of HIV/AIDS infection. To date, about 6,000 people had been

infected, the majority young people between the ages of 15 and 29. More women than men were infected, and girls were infected at younger ages than boys, probably because of the traditional age difference between the sexes in relationships. Young women and female sex workers were at highest risk and hence were given priority by government policy. Prevention activities for women were funded from the regular budget and from foreign donors.

9. With respect to violence against women, she said that the Constitution guaranteed the right to physical, mental and moral integrity, and prohibited torture and degrading or inhumane treatment or punishment. Studies had shown that 94 per cent of police reports in 1993 involved mistreatment, particularly of women by their husbands or partners. A number of non-governmental organizations, the Suriname branch of the Caribbean Association for Feminist Research and Action (CAFRA), the Foundation Shelter for Women in Crisis Situations (STICRIS), and the Ilse-Henar Hewitt Bureau for Women's Legal Rights were working to eliminate violence.

10. Current government policy on violence against women focused on protecting women and children from physical and mental abuse, on restoring the dignity of women victims of violence and on preventing violence. A number of ministries were involved in that effort. The Ministry of Justice and Police participated in all commissions for legislative review. The National Gender Bureau of the Ministry of Home Affairs was responsible for care, counselling and training activities, and it sponsored the national network on violence against women. The Ministry of Social Affairs and Housing provided material support to victims in need.

11. In 2000, members of parliament had participated in training sessions aimed at helping them to formulate legislation to promote women's rights and combat violence against women. In 2001, the Ministry of Home Affairs had established the Commission on Gender Legislation, whose task was to draft new legislation. Furthermore, Suriname had conducted an evaluation of its legislation in accordance with the requirements of the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (the Convention of Belem do Pará), to which it was a party.

12. As the report demonstrated, the national gender policy of Suriname addressed all areas of the Convention. Moreover, civil society played a major, structural role in formulating and implementing gender policy. Lastly, she said that the Government had hired a women's organization to conduct broad consultations among governmental and non-governmental bodies and other relevant institutions and actors in preparation for the report.

13. **The Chairperson** commended the Government of Suriname for ratifying the Convention without reservations. In addition, she noted that the report had been prepared in collaboration with civil society and non-governmental organizations. Although the report was frank and extensive, it had been submitted very late, and much of the data it contained was outdated or scanty. She welcomed, however, the presence in the delegation of high-level members of the Government.

14. **Ms. González** said she was pleased to learn that the third periodic report of Suriname would be submitted in 2003, and she looked forward to the new information and data it would surely contain. Although the delegation's opening remarks had offered some new information, the report provided an insufficient picture of the situation in Suriname, since so much of the data it contained were outdated. She welcomed the programmes that had been launched in response to the Beijing Declaration and Platform for Action and the Convention of Belem do Pará, and she applauded the creation of the National Gender Bureau of the Ministry of Home Affairs. In that regard, she would like to know how the national gender machinery worked, and how the Commission on Gender Legislation fit into that machinery. It would also be useful to know how the membership of the Commission was determined, how the members were selected or appointed and whether it merely drafted new laws or also reviewed existing ones.

15. Since the delegation had said that women's access to productive means and political life was hindered by sociological and cultural factors, she would like to know more about the traditional concept of womanhood in that country. What were the differing roles of women and men?

16. **Mr. Melander** paid tribute to Suriname for ratifying a number of important human rights instruments and enquired whether it was also contemplating becoming party to International Labour

Organization Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value, No. 111 concerning Discrimination in respect of Employment and Occupation and No. 156 concerning Equal Opportunities and Equal Treatment for Men and Women Workers: Workers with Family Responsibilities.

17. It would be useful to know whether the Convention was directly applicable by the courts or whether it must be incorporated into domestic law before it could be applied.

18. Noting that the Government had adopted the Integral Gender Action Plan, he enquired whether it had also developed a broader human rights action plan; more information, in general, would be welcome on human rights programmes and measures.

19. The delegation had mentioned training sessions for members of parliament. In that regard, he would like to know whether similar training was being conducted for prosecutors, judges and members of the police. Lastly, he enquired how many women prosecutors and judges there were in Suriname.

20. **Ms. Achmad** said that the report presented a protective, victim-centred approach to women's rights. The delegation's opening remarks, however, suggested that the Government was now taking a more comprehensive, corrective and structural approach to the issue of gender, with emphasis on changing laws and attitudes. She hoped that the next report would reflect that important change.

Article 2

21. **Ms. Schöpp-Schilling** observed that there were still many laws on the books in Suriname that directly and clearly discriminated against women. Suriname had ratified the Convention in 1992; although article 2 of that instrument requested States parties to change their legislation without delay, the Government had only recently begun to consider reforming its laws. It would be useful to know if, in the view of the delegation, the political will existed to do so. In addition, she would like to know whether the Commission on Gender Legislation was empowered to review and amend existing legislation, an important and necessary task, and whether a time frame had been set for its work. In that regard, she wondered whether the Government had set a time frame for bringing its legislation into conformity with the Convention. Furthermore, it would be interesting to know whether the 1993 amendment to the Penal Code, which incorporated the word "gender" into existing articles, had been adopted.

22. She also wondered whether the Government was contemplating the adoption of basic anti-discrimination and equal opportunity legislation, using the Convention as a model, and whether it had envisaged the establishment of educational and information campaigns to instruct the public about the Convention. Although sectors of Suriname society might not be ready for change, the Government must undertake measures to raise awareness and to overcome traditional views.

23. **Ms. Kwaku** echoed the concerns which Ms. Schöpp-Schilling had expressed over reviewing laws which discriminated against women, pursuant to article 2 (f) of the Convention.

24. **Ms. Livingstone Raday**, adding her voice to those of Ms. Kwaku and Ms. Schöpp-Schilling, said that she had two questions on legislative matters to put to the delegation of Suriname. First, it struck her that repealing laws that discriminated against women should be a simple and unequivocal matter for the country's parliament, particularly since many of those laws were no longer applied in practice. The lack of action indicated to her that political will was not strong enough, and that government policy was being anti-educative, giving a signal that allowing such legislation to survive was not objectionable. Second, she wondered about legal remedies available to women who had suffered discrimination. While women had rights under the Constitution, they appeared to have no avenue for enforcing those rights. She asked why the National Institute for the Promotion and Protection of Fundamental Human Rights and Obligations, set up in 1995 and given the authority to investigate human rights violations, had never actually operated. The report had stated that women had the option of recourse to the regular courts in last instance. She asked what that meant in practice, and wondered whether those courts were handicapped by the backlog of cases that the report described.

25. **Ms. Hazelle** said firstly that like Ms. Schöpp-Schilling she wished to know why the new draft penal code submitted for the consideration of the State Council in 1993 was still stalled, and whether that meant it was not considered a priority. Secondly, in the

light of the fact that the National Institute for the Promotion and Protection of Fundamental Human Rights and Obligations was not yet functioning, she wondered what legal recourse was open to women who were victims of discrimination, and whether there were any plans to revive the Institute. Thirdly, like Ms. Raday, she saw the inaction in the legislative field as a symptom of lack of political will.

26. **Ms. González** shared the concerns expressed over Suriname's secondary legislation and its compatibility with the Constitution and with the Convention. Her question centred specifically on the report's assertion that the inconsistencies could be explained by chronology: the country's Constitution and the Convention were more recent than the secondary legislation in question. In her view, there was a pressing need for reform to eliminate that problem. She cited the general principle that new legislation should supersede old legislation.

Article 3

27. **Ms. Schöpp-Schilling** welcomed Suriname's efforts, in collaboration with other Caribbean countries, to implement the Platform for Action agreed at Beijing. She asked what specific goals, timetables and budgetary provisions had been attached to those efforts, since all too often units were set up to translate the commitments of the Beijing conference into action, but they failed to function properly.

28. **Ms. Kwaku** agreed with Ms. Schöpp-Schilling's observations, and saw a contradiction in the report's reference on the one hand to equal access under the law to political and economic development, social provisions, health care and education, and on the other hand (and in the next sentence) to deep-rooted gender socialization patterns which hampered that equality of access. She asked what countermeasures were being set up. She noted that the report listed the many international human rights agreements to which Suriname was a party, and that it affirmed that no violations of those agreements were therefore to be tolerated. While she appreciated that that was the case de jure, she doubted that it could be the case de facto, and asked whether information was available on the precise situation on the ground.

29. **Ms. Shin** welcomed the additional information provided in the delegation's oral presentation. She emphasized that article 3 of the Convention obliged States parties to take all appropriate measures, in all fields, including legislation, to promote the advancement of women and their enjoyment of human rights and fundamental freedoms. That obligation argued for a strong, high-level political commitment, for a national action plan, for the appropriate funding for that action plan and for the collection of sex-disaggregated data. The delegation's oral presentation had referred the establishment of a gender-management system to coordinate the gender-related activities of the various government ministries and pursue gender mainstreaming. She wondered how that system operated, what coordination arrangements existed between the Ministry of Home Affairs and its National Gender Bureau and other ministries, whether all ministries or only selected ministries were involved in the process, and where the decision-making power lay. She welcomed the establishment of an Integral Gender Action Plan for 2000 to 2005, and asked for a copy. She requested information on where that Plan stood in the Government's priorities relative to other plans, and on the funds allocated to it in the budget, especially compared to the funds allocated to gender issues before the Plan had come into being.

30. **Ms. Tavares da Silva** said that others had already dwelt on the gap between legislation and reality in connection with article 3 of the Convention, and she pointed out that the delegation had attributed the situation mainly to socialization patterns which explained why, for example, teenage mothers had trouble returning to school and women did not have equal opportunities in employment and political life. There had been some responses to that situation in the form of the Integral Gender Action Plan and gender-mainstreaming efforts, but she wondered why, if gender stereotypes were so deeply rooted, more radical action had not been taken. Article 3 and article 4 of the Convention were logically linked: temporary special measures aimed at accelerating de facto equality between men and women were a way of bringing about rapid change, and she was surprised at Suriname's apparent reluctance to use such methods. She asked why that was.

31. **Ms. Gaspard** applauded the fact that Suriname's report had been presented by a high-level delegation including a woman minister and a woman permanent representative; despite the country's difficulties in achieving gender equality, there were obviously women in positions of political responsibility who could act as

role models. She had been concerned at the lack of reference in the report to any mechanism to enforce gender equality, but the delegation's oral presentation had mentioned the National Gender Bureau; she wondered what financial and human resources it had been given. The oral presentation had mentioned the involvement of civil society in compiling periodic reports. She asked whether the country's third periodic report, due to be presented in February 2003, would also be discussed with the parliament. Although parliaments were responsible for passing laws, they were often unaware of international agreements, including the Convention. She wondered whether Suriname's parliament had a body dealing with gender equality.

32. **Ms. Hazelle** said that some of her concerns regarding structures, capacities and goals had been addressed by other experts, and that she felt sure that the delegation would respond to them. She welcomed the introduction of a gender management system to promote gender-mainstreaming efforts. She asked if there was any kind of interministerial committee in operation, what ministries it involved, and what levels of civil servants were represented on it. She asked if there were any gender focal points in the civil service, and if the gender management system was a general government programme involving all ministries, or only a partial one, involving a few pilot ministries.

Article 4

33. **Ms. Shin** echoed Ms. Tavares da Silva's remarks on the apparent reluctance of Suriname's Government to use temporary special measures as a valuable method of promoting gender equality, especially in the light of the report's description of special training regarding international agreements, including the Convention. Temporary special measures were useful not only in accelerating improvements in women's representation in politics, but also in increasing the number of women entrepreneurs and their presence in education and other fields.

Article 5

34. **Ms. Myakayaka-Manzini** emphasized the obligations imposed by article 5 and pointed out that using them as a yardstick would enable the Government to make informed policy decisions. She wondered why, as the report had made clear, there was such a lack of data. She was sure that a comprehensive overview of the gender-equality situation was impossible without such information, and she asked what the Government was able to use as a basis for its decisions.

35. **Ms. Livingstone Raday** said that the report had asserted that in Suriname, as in other countries, a woman's place was assumed to be in the home, and women were underrepresented in government for reasons to do with culture and society. Such statements were an indication that such phenomena were simply being accepted as a fact of life. That was at odds with the country's commitment under the Convention to change the marginalization of women, so that they were given greater visibility in public life and recognition for their role in the family.

36. She asked if the delegation acknowledged that the problems facing women in Suriname were caused not just by psychological barriers, but by lack of opportunity. She emphasized the high social and economic costs of marginalizing women, since women represented half of the country's human capital. Incentives were urgently needed to remedy the current situation. The way the report had been drafted and presented unfortunately seemed to disregard the fact that it was within the Government's power to change traditions. The delegation's oral report had mentioned a Commission on Gender Legislation, but had given no details of its functions; she wondered what they were.

37. **Ms. Shin** emphasized the importance of altering stereotypes to achieving gender equality. While the Government was trying to formulate legal reform and make structural changes, it needed a comprehensive plan to influence deep-rooted values. She asked whether the country's Integral Gender Action Plan contained measures to tackle gender stereotypes. In her view, such measures needed to target officials, schoolchildren and the media to be effective. The delegation's oral presentation had mentioned the gathering momentum in providing training on women's and children's rights since the Beijing World Conference on Women, but she wondered if there had been any evaluation of the effectiveness of those training efforts.

38. **Ms. Tavares da Silva** said that the State party's response to the question on article 5 (a) of the Convention was disappointing and unsatisfactory. In that regard, the delegation should indicate precisely what cultural traditions were in contravention with the

fundamental rights and freedoms of women. She wanted to know whether the Government envisaged any actions to try to resolve that conflict between traditions and fundamental rights, such as awareness-raising campaigns, fostering a national debate on the issue or research. Article 5 was one of the most important articles of the Convention. It was not enough to adopt legislation; conditions and environment had to be created to implement its provisions.

Article 6

39. **Ms. Kapalata**, noting that article 6 had not been given the attention that it deserved, expressed frustration at the lack of clarity in the legislation governing prostitution and trafficking in women. Indeed, the words "sex workers" and "prostitutes" appeared to be interchangeable and it was not clear whether pimping and prostitution should be taken to mean the same thing. Moreover, the penalty for pimping was extremely lenient. Therefore, the delegation should indicate what kind of legislation was in place to deal with prostitution and trafficking in women and clear up the ambiguity and contradictions running through the report.

40. **The Chairperson**, speaking in her personal capacity, endorsed Ms. Kapalata's remarks and wondered whether, unlike foreign sex workers, Surinamese sex workers were not required to have bi-weekly checks for sexually transmitted diseases at the Dermatological Service of the Ministry of Health.

41. **Ms. Hazelle**, endorsing the comments made by the two previous speakers, asked whether the services of the non-governmental organization Maxi Linder were available to national and foreign sex workers alike and sought clarification as to what was meant by the phrase "the Government ... subsidizes this NGO by making staff available". She wondered whether the Government had any alternative income-generating project in place for women involved in prostitution. Noting that the penalty for pimping was low, she wondered whether the Government had any plans to amend article 503, subsection 3, of the Penal Code to provide for a stiffer penalty, since the current penalty could not act as a deterrent for that offence.

42. **Ms. Saiga** said that, although prostitution as an occupation appeared to be legalized in Suriname, the lack of a definition of both prostitution and pimping created confusion and ambiguity, which she hoped would be cleared up when the new Penal Code drafted as far back as 1993 was adopted.

43. **Ms. Tavares da Silva** wanted to know what action the Government was taking against the clients of prostitutes. Moreover, the argument that no data existed on trafficking in women was not an excuse to ignore the problem. There would probably never be a clear picture of the sex trade, since it was by nature shrouded in secrecy. What was clear, however, was that such trafficking was a serious violation of human rights, and not a crime against public decency, as indicated in the report. The Government should therefore indicate what action it was taking to address the problem of trafficking in women.

44. **Ms. Shin** reiterated the fact that the penalty for pimping was too low. She hoped that the Government would review its legislation and policy concerning article 6 in order to provide for heavier penalties against all intermediaries involved in the exploitation of prostitutes, including pimps, and to suppress their activities altogether. She wondered whether prostitutes were imprisoned in addition to being fined and whether their customers were also punished.

45. **Ms. Gaspard** said that article 6 was not being applied. Indeed, while prostitution and trafficking in women were forbidden, the former appeared to be tolerated, if not recognized, and the term "sex worker" was particularly disturbing in that regard. She was particularly concerned about the fate of prostitutes, who were first and foremost victims; there appeared to be no government policy available to help them to emerge from that status. Moreover, the Government's concern expressed in the oral report with regard to the spread of HIV/AIDS could be blamed on the absence of any policy with regard to prostitution and its suppression.

Article 7

46. **Ms. Regazzoli** wondered what positive measures were contemplated for effectively increasing women's participation in political and decision-making bodies. While she was gratified that there was a considerable percentage of women in the judiciary and that women occupied such high profile positions as Minister for Foreign Affairs and Permanent Representative to the United Nations, what was basically lacking was a strong political will to seriously mobilize all women, even in the ethnic groups, so that they could have real

representation in decision-making in the Government of Suriname.

47. **Ms. Myakayaka-Manzini**, noting that women were still considerably underrepresented on political decision-making bodies, especially in parliament and other lower structures of Government, despite the system of proportional representation, she wondered whether that system of elections was combined with the policy lists and, if so, whether political parties had a policy as to where they placed women. She wondered whether the political parties had introduced a quota system as a way of eventually introducing quotas in parliament to increase women's participation in decision-making. Had adequate attempts been made to raise the gender consciousness of men in political parties, the judiciary and civil society?

48. **Ms. Saiga** sought clarification concerning the eligibility of married women candidates and the registration of single women on the list of eligible political parties.

49. **Ms. Tavares da Silva** wondered why, given the low participation of women in government and legislative bodies — despite the fact that they were extremely well represented in areas such as the judiciary and in diplomacy — the Government did not take temporary positive measures to enhance women's overall participation in political and public life. Indeed, she would like to know why there were such wide differences in participation in the various branches of Government and the civil service. For instance, it would be interesting to know the reasons for the high participation (90 per cent) of women in a civil servants' training programme in 1997/1998 and whether such women were already serving civil servants who wanted to upgrade their skills and qualifications or fresh recruits. She was also curious as to whether the impressive number of women in the judiciary was the result of any specific efforts to increase their number on the part of the Government.

The meeting rose at 1 p.m.