



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Summary record of the 2909th meeting

Held at the Palais Wilson, Geneva, on Thursday, 18 August 2022, at 3 p.m.

Chair: Ms. Shepherd

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The meeting was called to order at 3.05 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Combined sixteenth to eighteenth periodic reports of Suriname (CERD/C/SUR/16-18; CERD/C/SUR/Q/16-18)

1. **The Chair**, welcoming the head of the delegation of Suriname to the meeting, explained that additional members of the delegation would be participating via video link.
2. **Mr. Amoksi** (Suriname), introducing his country's periodic reports, said that he wished to reaffirm his Government's unwavering commitment to the rule of law, democracy and the promotion and protection of all human rights and fundamental freedoms. Suriname was a vibrant parliamentary democracy. Elections were held every five years and the 51 members of the National Assembly, the national parliament, elected the President and the Vice-President.
3. As the Constitution prohibited discrimination on grounds of birth, sex, race, language, religion, education, political opinion, economic position or any other status, the Government and the National Assembly adopted well-balanced laws and policies in order to guarantee equality, promote national unity and ensure the indivisibility of the nation. The Government sought to build a national economy in which social programmes, such as health care and education, were accessible to all citizens.
4. Suriname was a multi-ethnic, multicultural, multi-religious and multilingual society, and the population comprised a rich mosaic of ethnic groups, each with its own history and culture. About 66 per cent of the population, which had been estimated in 2020 to total 602,500 persons, lived in urban areas, 20 per cent in rural areas and 14 per cent in the interior. About 25 per cent were under 15 years of age and about 12 per cent were aged 60 years and older. The next population census had been postponed until August 2024 owing to various challenges, including the coronavirus disease (COVID-19) pandemic.
5. Dutch was the country's official and most widely spoken language, followed by Sranan Tongo, the lingua franca. As more than 20 languages were spoken in the country, further action would be taken to promote multilingualism in education.
6. The principle of non-discrimination and equality for citizens and foreign nationals was enshrined in article 126 (a) of the Penal Code and in several labour laws. Articles 175 and 176 of the Penal Code criminalized the defamation of persons based on their sexual orientation.
7. In view of the increase in hate and hate-related racial speech on social media and other online platforms, the Digital Investigation and Cybercrime Division of the Ministry of Justice and Police conducted investigations to identify, inter alia, the Internet Protocol (IP) addresses of persons or groups that promoted discrimination. The Government was building the capacity of competent bodies to address remaining challenges.
8. Discussions regarding the adoption of a comprehensive anti-discrimination law, which would include a definition of direct and indirect discrimination and prohibit racial discrimination in line with articles 1, 2 and 4 of the Convention had been initiated. During the recent universal periodic review cycle, Suriname had pledged to work constructively with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and others to incorporate obligations arising from ratified human rights treaties into its national legal system. The Committee's technical assistance in raising awareness of the provisions of the Convention and building capacity to draft a comprehensive anti-discrimination law would be appreciated. He underscored the importance of including the training of trainers in all capacity-building initiatives on behalf of both governmental and non-governmental organizations (NGOs).
9. A working group composed of human rights experts and governmental representatives was currently drafting a law that would enable the National Human Rights Institute to function in accordance with the Paris Principles. Civil society would also be consulted and awareness-raising campaigns would be conducted on behalf of the general public.

10. A bill concerning the rights of indigenous and tribal peoples, which was consistent with judgments of the Inter-American Court of Human Rights and international treaties, would be discussed in the parliament later in 2022. It provided for the establishment of a legal framework in support of the collective rights of indigenous and tribal peoples and for the development of supplementary regulations. In addition, working groups had been mandated to tackle specific issues regarding access to justice for indigenous and tribal peoples.

11. Priority was being given to the decentralization of legal aid offices, offices that provided services pertaining to child and family affairs, and offices of departments that provided assistance to victims of violence.

12. The Medical Mission Primary Health Care, which provided access to health-care services in the interior, received financial support from the Government for the payment of salaries, operational costs and medical supplies. As a result, people living in the interior had access to free health care.

13. An upper secondary school had been opened in the district of Marowijne in October 2021 and another was being built in the district of Para. The Government was planning to build more schools at all levels in order to make education more accessible for residents in the interior. Missions from different governmental departments travelled regularly to the interior to assess diverse issues. They included officials from the Ministry of Justice and Police, the Ministry of Natural Resources, the Ministry of Health, the Ministry of Education, Science and Culture, the Ministry of Regional Development and district commissioners.

14. Suriname was cooperating with the International Organization for Migration (IOM) with a view to preparing a strategic, transparent and feasible migration plan. Data obtained from an assessment of migration governance indicators, which was currently being conducted, would provide a panoramic view of the current state of migration policy in areas such as health, education, security and the economy, and of opportunities to strengthen migration management, including for migrant children.

15. The parliament had unanimously adopted an amendment to the Foreigners Work Permit Act on 12 August 2022. It would have an impact on the regulation of the labour market and the administrative handling of permit requirements. Employers were required to ensure that foreign employees had acquired permits to work in their companies.

16. **Mr. Balcerzak** (Country Rapporteur) said it was regrettable that the Committee had received only one submission from civil society representatives when reviewing the Surinamese report. He therefore wished to know whether sufficient information concerning the review process had been disseminated among domestic NGOs.

17. He appreciated the provision of data in the report, based on the 2012 census, concerning the demographic composition of the population, disaggregated by ethnic origin. It would be useful to know whether the 2024 census would also include data disaggregated by ethnicity. The Committee would welcome economic and social data concerning various groups living in the State party, disaggregated by ethnic origin, sex, gender and age. He wished to know how the General Bureau of Statistics was organized, whether it was adequately funded and whether there were any obstacles to its proper functioning.

18. As the State party had not yet recognized the Committee's competence to receive and consider individual communications under article 14 of the Convention, he asked whether it would consider submitting the requisite declaration.

19. As article 8 (2) of the Constitution explicitly prohibited discrimination, inter alia, on the ground of race, the Committee would be grateful for information on how the prohibition was applied by domestic courts, including judgments in which the article had been invoked. Article 126 (a) of the Penal Code contained a definition of discrimination, but no specific reference was made to racial discrimination. He wished to know whether any other statute referred explicitly to the prohibition of discrimination. The Committee had recommended to the State party, in its previous concluding observations ([CERD/C/SUR/13-15](#)), that it should draw up a general law that prohibited and defined racial discrimination. He therefore welcomed the fact that discussions regarding the adoption of a comprehensive anti-

discrimination law were under way. He would be interested in hearing whether any decisions had been taken to date on its enactment.

20. The Committee would like to know whether the national legislative framework complied with the requirements of article 4 of the Convention, including by prohibiting and punishing the dissemination of ideas based on racial superiority and the provision of assistance to racist activities. He asked whether an assessment of the framework had found it to be comprehensive or whether there were still some gaps to be filled.

21. It was not clear whether article 175 (a) of the Penal Code, which prohibited insults, defamation or disparagement of a group of persons based on their race, could be used to prosecute perpetrators who targeted individuals on the basis of race. Given that it referred to groups, he wondered whether organizations could be penalized under the article and the types of organization to which it might apply. He would like to know whether national law expressly provided for the punishment or dissolution of organizations that promoted or incited racial discrimination or hatred. If so, details on the specific legal provisions applicable and examples of organizations whose activities had been banned on that basis would be useful. It would also be useful to have examples of the application of the article in specific cases. He would like to know whether any investigations had been initiated and court judgments handed down under the provision.

22. He would be interested to hear about the available channels for victims of racial discrimination to submit complaints and to know whether, in addition to a public prosecution based on article 175 (a) of the Penal Code, other remedies such as civil litigation existed. He would like to know what measures the State party had taken to make such remedies against racial discrimination available, particularly in remote areas. He wondered whether non-judicial procedures were available for victims. He wished to know whether the State party had a mechanism to provide legal aid for victims of racial discrimination and, if so, how it functioned. It would be interesting to hear about any steps taken to collect data on complaints about racial discrimination.

23. He would appreciate more details on any capacity-building programmes planned or under way concerning the Convention, particularly those aimed at the judiciary, lawyers, and law enforcement officials. He wished to know whether any awareness-raising campaigns relating to the Convention had been carried out and, if so, whether they had been aimed at the general public and included information about the available complaint mechanisms and remedies.

24. He wondered whether the Constitutional Court was fully operational and whether its ethnic composition reflected the diversity of Surinamese society. Further information on the Court's jurisdiction, particularly whether it reviewed the constitutionality of both primary and secondary legislation and which bodies could bring proceedings before it, would be welcome. He would be interested to learn whether private individuals had the right to lodge constitutional complaints. He wondered whether the Court had begun to consider cases and whether any had been related to racial discrimination.

25. He wished to have clarification as to whether the State party's national human rights institution was in operation and, if not, when that was expected to occur. He wondered whether it was still planned to establish an ombudsman's office as part of the national human rights institution. He would be interested to know whether the Surinamese authorities had been advised by any regional or international actors during the process of establishing the institution.

26. He would appreciate more details on the reported rise in incidents of racist hate speech, including examples of cases, the targets of the hate speech and any explanation for the increase. He would like to know whether civil society organizations had been consulted during the preparation of the report and the number of such organizations registered in Suriname, particularly those addressing the rights of indigenous and tribal communities. Lastly, he would like to know whether civil society participated in policy planning and in the implementation of the Convention through consultations and representation of minorities and indigenous and tribal communities.

27. **Mr. Kut** (Follow-up Coordinator) said that the State party had submitted its periodic reports on time. However, it had failed to submit a report on follow-up to the Committee's previous concluding observations (CERD/C/SUR/CO/13-15), which was surprising given that two of the recommendations selected for follow-up concerned the establishment of the Constitutional Court and a national human rights institution, which the State party had duly established. In its periodic reports, the State party had provided information concerning the third recommendation on health and environmental contamination, indicating that it had taken a number of steps along the lines requested by the Committee, including ratification of the Minamata Convention on Mercury.

28. **Ms. Esseneme** said that she would like to know what the State party planned to do to reduce inequality in access to social services for tribal communities living in the country's interior.

29. **Mr. Diaby** said that he would like to know whether the State party planned to introduce legislation to abolish the celebration of Sinterklaas, which perpetuated racist stereotypes and aggravated the suffering of the black and creole populations of Suriname. He would appreciate clarification of the status of international conventions and decisions of the Inter-American Court of Human Rights in the national legal order. In view of reports that persons with dual nationality in the State party were denied access to work permits, he wondered whether any measures were envisaged to allow such persons full enjoyment of their rights. Lastly, if 90 per cent of the population lived in the capital, he would appreciate an explanation of whether the mandate of the national human rights institution covered the remaining 10 per cent of the population and whether the institution had any regional offices.

30. **Ms. Ali Al-Misnad** said that she would be interested to know more about social interactions between different minority groups and to know whether they belonged to the same social classes.

31. **Mr. Yeung Sik Yuen** said that he would appreciate clarification on article 175 (a) of the Penal Code, given that it appeared that both the victim and the perpetrator must be a group of persons rather than an individual, which was too restrictive. He would like to know whether national legislation included provisions in line with article 4 (b) of the Convention on the prohibition of organizations promoting and inciting racial discrimination.

32. **Mr. Guissé** said that the State party was to be commended for its provision of disaggregated data on ethnic groups. He would like to know more about the category "no race" included in the table of ethnic groups in paragraph 88 of the periodic reports and whether it referred to persons who chose not to define themselves by race. It was unclear why "Africa" had been listed among the countries of origin in the table showing the number of asylum-seekers in Suriname since 2014, contained in paragraph 42. He wished to know which nationalities were covered under that category. He welcomed the country's celebration of the festivals of all religious groups and wondered whether it resulted from a decree or from more spontaneous forms of organization. He would like to know whether the festivals were marked jointly as national celebrations or separately by the individual groups.

33. **Ms. Stavrinaki** said that she would like to know whether the concept of hate crimes or racially motivated offences had been incorporated into national law.

The meeting was suspended at 4.10 p.m. and resumed at 4.35 p.m.

34. **Mr. Amoksi** (Suriname) said that the most recent population and housing census had been conducted in 2012. The planned 2022 census had been postponed owing to a lack of funding and the uncertainties of conducting fieldwork during the COVID-19 pandemic. The Inter-American Development Bank, which had funded the previous two censuses, had expressed interest in funding the census that the General Bureau of Statistics planned to carry out in 2024. The Bureau intended to gather data on ethnicity and disseminate it at the district level. It would use the data collected to provide social and economic indicators disaggregated by sex, age and ethnicity.

35. The General Bureau of Statistics was a semi-autonomous body funded by the Ministry of Finance and Planning. The Director of the General Bureau of Statistics reported to a board composed of representatives of various institutions, including the Central Bank of Suriname, the trade unions and Anton de Kom University of Suriname. Unfortunately, the Bureau was

underfunded and had difficulty retaining specialized employees because it could not pay as well as other employers. It was currently unable to recruit new staff on account of a hiring freeze introduced in 2020.

36. To date, no cases of racial discrimination had been brought before the Constitutional Court. The Court was independent, impartial and ethnically diverse. Its role was to assess the compatibility of legislation with the Constitution and the international conventions to which Suriname was a party and to rule on cases in which government decisions had been contested on the grounds that they violated human rights. In August 2022, the Court had conducted a historic review of the electoral system in the light of national, regional and international law. It had found that articles 9 to 24 of the Election Act were in conflict with various instruments, including the Constitution and the International Covenant on Civil and Political Rights. The Government had taken note of the Court's decision and would strive to implement it in a timely manner. It attached great importance to protecting the rights and freedoms of participants in electoral processes.

37. The Government was aware of the need to adopt legislation on the use of mercury as part of its efforts to implement the Minamata Convention on Mercury. Unfortunately, mercury continued to be smuggled into the country, despite the fact that importing mercury was prohibited by law. The Ministry of Natural Resources was working to ensure access to clean drinking water throughout the country. Three bills relating to water quality were being drafted and steps were being taken to improve the water infrastructure in a number of villages. For example, work would soon begin on the renovation of the drinking water system in the indigenous village of Apetina.

38. There were legal aid offices in two districts and plans to further decentralize the provision of legal aid by increasing the number of such offices around the country. Hiring processes had been launched and possible locations for new offices, including in the interior of the country, were being identified. Discussions were also under way with the relevant District Commissioner and representatives of the Court of Justice regarding the possibility of organizing court sessions in the interior.

39. The operationalization of the National Human Rights Institute would be funded by the United Nations Development Programme (UNDP). A bill on the National Human Rights Institute had been drafted, taking into account the advice given by representatives of UNDP during a training and information session. Once the bill had been translated, it would be submitted to UNDP for consideration. The process of setting up the Institute was being supported by the Netherlands Institute for Human Rights.

40. Meetings with stakeholders, including NGOs, had been held before the submission of the periodic report and before the interactive dialogue with the Committee. The stakeholders had been informed about the review procedure and had been invited to raise any concerns that they had regarding the implementation of the Convention in Suriname.

41. The Ministry of Social Affairs and Housing was responsible for providing social services to all vulnerable groups. Representatives of the Ministry visited villages in the interior of the country once or twice a year to pay out financial assistance. A new system whereby people could withdraw that money via an ATM machine was being piloted. The Ministry was also opening multifunctional offices in highly populated areas to increase access to social services. A pilot project aimed at the decentralization of some social services was being implemented in the rural coastal districts.

42. People with dual nationality could apply for a work permit provided that they had a residence permit. The type of residence permit that they had determined the type of work permit that they were granted. Under the law on equal opportunities in employment, employers were prohibited from discriminating on the basis of race, gender, religious belief or sexual orientation and were required to take measures to prevent discrimination in the workplace.

43. The festival involving Sinterklaas and Zwarte Piet (Black Pete) had been celebrated in Suriname before the country had gained independence but was no longer observed. The only Surinamese people who might take part in that tradition were those who lived in the Netherlands.

44. In January 2022, the High Court of Justice had invoked article 8 of the Constitution, which prohibited discrimination of any kind, in its ruling on a case of alleged discrimination.

45. **A representative of Suriname** said that the General Bureau of Statistics did not collect data on race through the national census. The category “no race” in the table below paragraph 88 of her country’s report had been mistranslated from Dutch and should read “ethnicity unknown”. The census had been conducted on the basis of self-identification. In some cases, the questionnaire had been filled in by one member of the household on behalf of other absent members. In such cases, respondents might have selected “ethnicity unknown” because they did not know which ethnicity the absent persons considered themselves to be. It was worth noting that fewer than 1 per cent of all respondents had selected that category.

46. **Mr. Amoksi** (Suriname) said that, as the first step towards the establishment of an ombudsman’s office, a bill on the appointment of a children’s ombudsman had been drafted. Once the bill had been approved by the Council of Ministers, it would be submitted to the parliament. People of mixed ethnicity were known as Douglas. They spoke Sranan Tongo and Dutch, rather than their own specific language, and were treated on an equal basis with other members of the population. Complaints of discrimination could be filed not only under article 175 of the Criminal Code but also under articles 320 to 331, which dealt with defamation. Article 175 bis of the Code referred to both groups and individuals.

47. **Mr. Balcerzak** said that he would like clarification as to whether individuals could bring complaints before the Constitutional Court.

48. **Mr. Amoksi** (Suriname) said that questions could be submitted to the Constitutional Court by individuals, through a lawyer, by members of parliament and by the President of the Court of Justice.

49. **Mr. Balcerzak** said that the delegation had not yet indicated whether the Government might consider recognizing the Committee’s competence to receive and consider individual communications under article 14 of the Convention.

50. **Mr. Amoksi** (Suriname) said that his Government was not unwilling to make a declaration under article 14 of the Convention, recognizing the Committee’s competence to receive complaints from individuals who alleged violations under the Convention, as it had been open to dialogue and to visits from human rights bodies so that they could see for themselves the human rights situation in Suriname. By doing so, it had been able to avail itself of technical assistance from the United Nations and the Organization of American States for training programmes to enhance its own human rights system.

51. **Ms. Esseneme** said that the table in paragraph 88 of the State party report on ethnic groups in Suriname suggested that some groups were characterized according to their skin colour. However, ethnic groups were made up of persons who recognized one another and were bound by characteristics such as language and culture. She would therefore like to know what, specifically, characterized the groups referred to in the table as Maroons and Mixed Race.

52. **A representative of Suriname** said that ethnic groups were not determined by a person’s skin colour but rather by the culture with which a person identified. The category of Afro-Surinamese had been introduced for persons of African descent who had one Creole and one Maroon parent, for example, and did not identify as either Creole or Maroon but rather as Afro-Surinamese. There were also people who did not share the physical appearance of the people of the ethnic culture into which they were born and with which they identified. Suriname was a melting pot, hence the importance of self-determination of ethnicity.

53. **Mr. Amoksi** (Suriname) said that, in order to apprehend the demographic composition of Suriname, it was important to look at the country’s history. Suriname had a history of slavery that began with indigenous peoples and continued with people who came from Africa. Following the end of slavery, the Dutch Government had brought in paid labourers from India, Java and China. The Maroons were descended from slaves who had escaped into the interior of the country, where they preserved their culture and tradition. After independence, the Maroons gradually moved back to the city, where all ethnic groups continued to mix. Certain districts were populated predominantly with specific ethnic groups.

54. **Ms. Chung** said that she would appreciate more information on the 50 languages that were spoken in the country, particularly on whether they were all indigenous languages. She asked what measures were being taken to keep those languages alive, whether textbooks existed in those languages and whether the State wrote the histories of the communities that spoke those languages. She would like to know how the country's languages were evolving, whether some had disappeared and whether there was the political will to protect them.

55. **Mr. Guissé** said that, according to the State party report, there was no institutionalized caste system in the country. However, a caste system used to exist and it was difficult to erase such cultural and traditional practices from collective memory. He wished to know whether, in practice, there were surviving remnants of the caste system in today's society. To that end, he would be grateful if the delegation could provide examples of marriages or unions between members of different groups to help the Committee to ascertain the level of integration among all ethnic and social groups.

56. **Mr. Amoksi** (Suriname) said that some 20 ethnic languages and a number of dialects were spoken in Suriname. Although in the past a caste system had been introduced into the country through indentured labourers from India, behaviours and practices had been modernized, and there was no caste system in Suriname. For example, marrying within caste was no longer practised.

57. **Mr. Balcerzak** said that he wished to know whether a register of civil society organizations had been established and, if so, how many organizations were registered, particularly those working in areas related to indigenous and tribal peoples. While such organizations had not actively participated in the preparation of the current dialogue, they were certainly operating in the country. He asked whether there had been any legislative developments regarding hate speech. He also wondered whether any prosecutions for hate speech had actually been brought under article 155 of the Penal Code.

58. **A representative of Suriname** said that there were over 10 civil society organizations in her country, a number of which focused on indigenous and tribal issues, representing the peoples concerned and working closely with the Government.

59. **A representative of Suriname** said that hate speech did not exist in his country, especially not among political or religious leaders. There had been one occasion where a visiting religious leader had used religious hate speech and had immediately been removed from the country, and some acts of discrimination could be identified in social media. However, leaders sought to maintain the harmony of his multireligious, multilingual and multi-ethnic country.

60. **Mr. Diaby** asked whether a monitoring mechanism was in place with regard to hate speech and stereotypes that covered speeches of politicians during election campaigns and other signs that contributed towards racial discrimination. Since many persons of Surinamese origin had immigrated to the Netherlands and therefore had dual nationality, he asked whether the Government envisaged removing discriminatory measures that prevented persons of dual nationality from gaining access to services in Suriname on an equal footing with nationals. He wished to know whether decisions of the Inter-American Court of Human Rights were directly applicable in the country's legal system and would like information on the status of implementation of the judgment of that court in the case of *Saramaka People v. Suriname*. He asked whether the jurisdiction of the national human rights institution extended to persons living in remote areas and whether regional offices had been established in order to reach communities living in the interior of the country.

61. **Mr. Amoksi** (Suriname) said that dual nationality was not recognized in his country. The bilateral agreement between the Netherlands and Suriname signed in 1975 concerning the assignment of nationality was not enforced and persons seeking to exercise their rights under that agreement had to appeal to the courts. People living in the interior of the country had access to the district commissioners, under the Ministry of Regional Development and Sports, thus affording all persons access to the authorities with a view to resolving issues and providing support. There were plans to establish legal aid offices across all districts in the interior of the country to deliver assistance to victims of crimes and other persons needing support, thereby ensuring broader coverage of the population.

62. **Mr. Balcerzak** emphasized that the current dialogue with the Committee served primarily to enhance knowledge aimed at improving the human rights situation in the country.

The meeting rose at 5.55 p.m.