



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2911th meeting

Held at the Palais Wilson, Geneva, on Friday, 19 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 (continued)
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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. Balcerzak** (Country Rapporteur) said that he wished to know whether the Government had considered amending the Constitution to expressly recognize the rights of indigenous and tribal peoples and, if not, what the obstacles to such an amendment were. He would appreciate more information on the organization and time frame for public consultations on the draft legislation on the collective rights of indigenous and tribal peoples and wondered when the bill would be ready for adoption by the parliament. He would be interested to hear about the main concerns raised and suggestions made by tribal leaders during the consultations on the bill held with them in December 2021 and to know what their expectations were and whether they had been met.
3. It would be useful to know the current status of the proposed amendment to the law on the principles of land policy regarding the public domain, pursuant to which land leaseholders would be able to convert their lease to an ownership title, and whether work on the amendment proposal would be suspended pending the adoption of the bill on the collective rights of indigenous and tribal peoples. He would appreciate an update on the status of the law on the protection of indigenous and tribal residential areas, including the obstacles to its promulgation by the President, and would like to know whether meaningful consultations on the Act had been held with indigenous and tribal peoples. He would also welcome information on the mandate and activities of the National Institute for Environment and Development in Suriname and on the measures taken to ensure that national reserves established on the ancestral territories of indigenous and tribal peoples allowed for sustainable economic and social development.
4. He wished to hear about the steps taken to implement the judgments of the Inter-American Court of Human Rights in the cases of *Moiwana Community v. Suriname*, *Saramaka People v. Suriname* and *Kaliña and Lokono Indigenous Peoples v. Suriname*, which national authority was responsible for such implementation and whether a special commission or task force had been established for the purpose. He wished to know whether community development funds had been launched for the Moiwana village community, Saramaka people and Kaliña and Lokono peoples, as ordered by the Court in the related judgments. He would also like to know whether the Government had fully implemented the judgment in the case of *Moiwana Community v. Suriname*, including by identifying, prosecuting and punishing the parties responsible for killing members of the community in 1986, recovering the remains of the persons killed, carrying out a public ceremony, recognizing international responsibility for the massacre, issuing an apology, building a memorial in a suitable public location and paying compensation to the community members.
5. **Ms. Ali Al-Misnad** said that she would like to know whether persons recognized as refugees or stateless persons by the Office of the United Nations High Commissioner for Refugees were still entitled to permanent residence in Suriname. She would appreciate clarification on the 2014 change in citizenship rules, pursuant to which children born in the State party were granted Surinamese nationality if they were not eligible to receive one of their parents' nationalities and on the status of children born before the adoption of the amendment.
6. **Ms. Tebie** said that she would like to know which group of Surinamese nationals were most likely to become victims of trafficking in persons and whether indigenous and Maroon communities were disproportionately affected. She wished to have an update on the current situation with regard to trafficking and to know what measures had been taken by the State party to eliminate such practices.

7. She wondered whether, in addition to the Constitution, the right to work and employment was addressed in any other law. It would be useful to have detailed information on work and employment in Suriname, particularly in relation to indigenous and Maroon persons. It would be interesting to have an account of the situation of migrant workers in the country.

8. **Ms. Stavrinaki** said that she would like to have more information on access to education for children from indigenous and tribal communities, including the number of schools and teachers available. Additional data on the school dropout and enrolment rates would be welcome. She would also appreciate more information on the translation of Dutch into native languages by so-called development workers and on the use of native languages to further integrate children into the education system.

9. It would be helpful to have updated information on the quality, availability, cultural acceptability and practical accessibility of health-care services for Maroon, indigenous and tribal communities. She wondered whether the communities had been involved in the process of mapping their needs and, if not, what obstacles had been identified by the State party. She wished to know whether the level of access was different in urban and in rural areas, including for the Maroon population.

10. She would be interested to learn about any measures taken to reduce the maternal mortality rate and improve access to reproductive health services for women and girls. She wished to know whether the State party had initiated or funded any studies on the environmental hazards of mercury pollution and their impact on affected communities and whether it had taken any measures to mitigate the related risks.

11. **Ms. Chung** said that she would appreciate more information on the legal situation and ethnic and national background of migrant workers in Suriname. Details on the purposes for which persons were usually brought into Suriname by trafficking would be helpful. She wondered whether migrant workers entered the country by way of trafficking. Additional information about the situation of undocumented workers, especially women, and the procedures for registration and issuance of birth certificates for their children would be useful.

12. **Mr. Diaby** said that he would welcome more information on the \$50-million carbon offset agreement between the Government and TotalEnergies, including whether it had been concluded in consultation with traditional authorities or with the prior consent of indigenous communities and what benefits those communities would receive.

13. He wished to hear the delegation's response to reports of ongoing pollution of land and rivers with mercury and other toxic substances caused by gold mining, legal and illegal deforestation and the construction of roads and illegal airstrips in the interior. More specifically, he wished to know what measures had been adopted to prevent such pollution, mitigate its impact, punish the polluters and provide redress to the victims. He wondered whether any mechanism was in place to report pollution incidents and their effects on the health of indigenous peoples. It would be helpful to learn which authorities were responsible for responding to pollution incidents and to have examples of environmental emergency responses. Lastly, he would like to know more about the State party's legal framework for asylum-seekers.

14. **Ms. Esseneme** said that it would be interesting to hear about the activities of the interdepartmental working group tasked with combating trafficking in persons, especially in the areas of prevention and prosecution. She would like clarification as to why persons who were thought to be victims of trafficking had been placed in detention. She would like to know how many cases of trafficking in persons had been investigated and prosecuted and had resulted in convictions in the previous three years, what steps were taken to identify victims of trafficking and whether the delegation could provide data on victims of trafficking, disaggregated by nationality and ethnicity. More information on the scope and outcomes of the 2019–2020 action plan to combat trafficking in persons would be appreciated. Did the Government intend to adopt another such plan?

15. **Ms. Ali Al-Misnad** invited the delegation to comment on reports that people's chances of receiving a good education in Suriname depended on their ethnicity, place of residence and level of wealth and that there were no secondary schools at all in some regions.

16. **Ms. Stavrinaki** asked what measures had been taken to mitigate the impact of the coronavirus disease (COVID-19) pandemic, especially on refugees, asylum-seekers, internally displaced persons and persons living in remote areas, and how the Government ensured that its response to the pandemic benefited all members of the population without discrimination.

The meeting was suspended at 3.45 p.m. and resumed at 4.10 p.m.

17. **Mr. Amoksi** (Suriname) said that persons with Surinamese nationality and another nationality had the same rights as other Surinamese nationals, including the right to vote in Suriname, provided that they were listed in the population register. In order to be eligible for benefits, they must be residents of Suriname and registered as such.

18. The draft legislation on the collective rights of indigenous and tribal peoples was ready for adoption by the parliament and had been discussed and processed. Discussions and consultations on the issue of constitutional reform had been under way for several years. The Presidential Committee on Land Rights had proposed that a provision establishing the legal personality and collective rights of indigenous and tribal peoples should be added to article 8 of the Constitution. An exchange of views on the subject had been organized with the Special Rapporteur on the rights of indigenous peoples. A national awareness-raising campaign on the issue of land rights had been conducted and the Presidential Committee on Land Rights had organized information sessions at the request of specific groups such as political parties and indigenous and Maroon organizations.

19. The draft framework law on the collective rights of indigenous and tribal peoples, which set out a programme for the period 2022–2027, would be considered by the parliament in the last quarter of 2022. As part of the consultation process, various stakeholders had been invited to submit written feedback on the bill, meetings had been held with the traditional authorities of indigenous and tribal peoples and several workshops had been held, including a technical workshop involving international experts in February 2022. The feedback obtained through those consultations would be consolidated and taken into account. There would be further opportunities for stakeholders to raise questions during the consideration of the bill by the parliament. The Maroons had raised a number of concerns about the bill. For example, they feared that the necessary implementing regulations would not be drawn up in a timely manner and that the body that would be set up to resolve disputes would not be sufficiently independent.

20. The Government was aware that further legislative, administrative and organizational measures would need to be taken to ensure the effective protection of indigenous and tribal peoples once the bill had been passed. It would like to request technical assistance from the Committee in that regard. Academics at Anton de Kom University of Suriname were working to identify the legislative amendments that would need to be made and the new legislation that would need to be adopted once the bill had entered into force.

21. The consideration of the bill that would amend the law on the principles of land policy did not depend on the adoption of the draft framework law on the collective rights of indigenous and tribal peoples, because the bill did not provide for the conversion of land titles in areas where indigenous and tribal peoples lived. The President had decided not to promulgate the law on the protection of indigenous and tribal residential areas following protests by indigenous and tribal peoples who had objected to some of its provisions and to the fact that they had not been involved in the drafting process.

22. Free, prior and informed consent procedures were followed prior to the granting of concessions or the launching of development projects. Environmental and social impact assessments and community engagement were also required in the case of large-scale projects. The President had established development committees involving representatives of local communities in several regions. A committee on the organization of the small-scale gold mining sector, whose role was to assess the environmental and social risks associated with that sector, had been set up under the authority of the Ministry of Natural Resources. A

project on improving the environmental management of the mining sector had been launched in 2019. It should lead to a significant reduction in the environmental damage caused by gold mining.

23. The National Institute for Environment and Development in Suriname was responsible for identifying the most likely socioeconomic and cultural impacts of proposed projects and evaluating the social impact of multinational companies in the gold industry. The issue of pollution was dealt with by the Ministry of Spatial Planning and the Environment.

24. Before concessions were granted, consultations were held with the communities concerned, including women and representatives of civil society organizations, and the views expressed were taken into account. Under the draft framework law on the collective rights of indigenous and tribal peoples, project developers would be required to seek permission from the local community for any project that would have a socioeconomic impact and any such project should also benefit the community. It was worth noting that tourism businesses run by locals also had a socioeconomic impact.

25. The strengthening of government institutions and traditional authorities would be of paramount importance for the effective implementation of legislation relating to the rights of indigenous and tribal peoples. There were plans to establish an institute for the rights of indigenous and tribal peoples under the authority of the President, to coordinate the implementation of the draft framework law.

26. The draft framework law was consistent with the judgments of the Inter-American Court of Human Rights mentioned by the Committee and would go a long way towards implementing them, as it would ensure that indigenous and tribal peoples were recognized as legal persons and could assert their rights collectively. A State official had been appointed in 2022 to oversee the implementation of the judgments. That official was in the process of gathering information about the stage reached in their implementation, because no records had been kept. The information would be used to prepare a report that would be presented to the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

27. With regard to the case involving the Kaliña and Lokono peoples, he could confirm that those peoples had access to the nature reserves that had been created and were carrying out a tourism project in the Wane Kreek nature reserve with financial support from the Suriname Aluminium Company (Suralco). In response to the judgment concerning the Moiwana community, the police presence on the road leading to Moiwana had been strengthened to enable former residents to return to the village and the compensation ordered by the Court had been paid in full and had been used by the community to build houses.

28. With regard to the Saramaka case, compensation had been paid in full in 2010 and the Saramaka people were free to decide how and for what purposes they would use those funds. In the case involving the Kaliña and Lokono peoples, the Government had also partially paid out the funds.

29. Dutch was the country's official language and was thus the language used in education. This hindered integration into schools for many children who spoke one of the several native languages of the country, particularly in the early years of education and if the teacher could not speak the same language as the child. In order to address such barriers as a matter of urgency, the Ministry of Education had initiated a structural reform of the education system, focusing on multilingualism. In addition to Dutch as the main language of instruction, native languages most widely used in a given area would also be taught in pre-primary and elementary school classes. As part of the reform, where possible, teachers were assigned to schools in areas where they spoke the native language. The reform was focused on fostering cultural awareness and developing the skills of all pupils. A policy memorandum on development-oriented education had therefore been formulated, based on the concept of diversity, and taking account of pupils' individual needs. Training institutions known as nucleus centres had been set up throughout the country to provide guidance for teachers, coordinate education activities and deliver training. A number of centres served inland communities, however there were currently no coordinators and staffing levels were very low. With a view to improving that situation, there were plans to establish three more centres

in the areas of Atjoni, Apoera and Stoelmanseiland. The Government envisaged the recruitment of coordinators, counsellors, social workers, and technical and administrative staff to the centres, and the provision of resources and services to equip nearby schools and villages.

30. With regard to health-care coverage in the interior of the country, some 10 doctors had recently been brought in from Cuba and it would soon be mandatory for medical graduates to work for at least three months at the Medical Mission Primary Health Care branch in the interior to gain work experience in those areas. The Medical Mission was currently the only organization that provided basic health care in the interior of the country. The system was as decentralized as possible, and community participation was encouraged.

31. Turning to the use of mercury in mining and on territories occupied and used by indigenous and tribal peoples, he said that while legislation was in place to prohibit the importation of mercury, it was still smuggled into the country. The country's biggest industry used mercury for gold mining, which polluted the surrounding rivers that were used by the local people for bathing, cooking and drinking. A study by the Anton de Kom University of Suriname had shown that gold mining could be carried out without the use of mercury, to the benefit of the environment, public health and the economy. There was nevertheless no public awareness about the dangers of mercury.

32. With respect to health care for migrants, refugees, asylum-seekers and stateless persons, under the Basic Health Care Insurance Act, both residents and non-residents were entitled to health insurance and there was no discrimination within the health sector. However, while all residents were legally obliged to take out health insurance, non-residents were usually expected to have alternative medical care arrangements, although there was no explicit legal provision in that regard. As part of the procedure to gain the right of stay or residence, applicants were required to guarantee their ability to pay for health care.

33. The Government had signed an agreement with oil TotalEnergies, under which the company would pay \$50 million to the country. The agreement was composed of a preparatory and an investment stage. The preparatory stage was under way, during which the investment programme would be appraised in line with the Paris Agreement, which included consultation with civil society, indigenous peoples and Maroons. Independent consultation and inclusion specialists had already been recruited to guide that process. Two seats were reserved in the corresponding steering committee for representatives of indigenous and tribal peoples. The investment would contribute to community-based projects, developed in cooperation with the relevant communities.

34. Regarding trafficking in persons, under an action plan drafted by the Interdepartmental Working Group on trafficking in persons, the Government ensured that victims had access to legal and migration advice, monitored the effectiveness of the relevant regulations and ensured that the necessary support and protection were being provided to victims under the country's existing mechanisms. It also ensured that investigations were conducted without undue delay, police worked with child protection agencies and support was provided to civil society organizations working to combat trafficking in persons and slavery. In 2021, one case of trafficking in persons had been prosecuted, and a judgment was currently pending. In 2022, two cases had been prosecuted, resulting in a sentence of 3 years, 6 months in one case and acquittal in another owing to lack of evidence.

35. Regarding statelessness, under the 1975 Act on Nationality and Residence, Surinamese nationality was granted to any child born on the territory who would otherwise become stateless. Under the 2014 amendments to the Act, Surinamese nationality would not be lost where it would lead to statelessness. All children born in Suriname were issued with a birth certificate irrespective of their legal status.

36. The situations of asylum-seekers, refugees and stateless persons in the country were governed by the 1951 Convention relating to the Status of Refugees and the 1991 Aliens Act. Certificates were issued to persons whose asylum or refugee status had been registered by the Office of the United Nations High Commissioner for Refugees (UNHCR), which thereby enabled such persons to apply for a State permit. Foreign nationals without refugee status could also be granted a State permit if they were not eligible for a residence permit. Asylum applications fell under the Aliens Act and an order of the Ministry of Justice and Police of

2018, regulating the residence of this category of persons. In 2020, 414 asylum-seekers and refugees had been issued with a UNHCR refugee certificate, and in 2021 that number stood at 180. In 2020, 73 residence permits had been granted to refugees and asylum-seekers and in 2021, 97 residence permits had been granted to such persons.

37. The Government had strengthened cooperation with UNHCR, establishing focal points within the Ministry of Justice and Police to facilitate communication and monitor procedures. Information-sharing had been improved through regular meetings with UNHCR, which had also provided training for various actors on protection of asylum-seekers and refugees. His Government had requested UNHCR to provide technical assistance relating to training on the formulation of asylum application procedures. Despite the absence of specific national asylum and refugee legislation, asylum-seekers and refugees were protected by law and the Government was committed to increasing such protection.

38. **Mr. Balcerzak** said that the Committee would appreciate a response to Ms. Chung's question concerning alleged cases of racial discrimination against migrant workers, since there was no reference to migrant workers in the report.

39. **Ms. Tlakula** said she wished to know whether the State party had considered the possibility of requesting reparations from the former colonizing States.

40. **Ms. Tebie** asked whether the indigenous and Maroon communities were most affected by trafficking in persons and, if so, what action was being taken to eradicate such crimes. The report had failed to state whether the current labour legislation in the State party complied with article 5 of the Convention, including in terms of the rights of migrant workers.

41. **Mr. Yeung Sik Yuen** said that, although the importation of mercury for use in the gold-mining industry was prohibited, it was nonetheless imported and its use led to water pollution in the State party. He wished to know what action was being taken to address the issue, for instance whether gold miners were prosecuted and, if so, what penalties were imposed in such cases.

42. **Mr. Amoksi** (Suriname) said that most of the migrants who applied for work permits came from the United States of America, Brazil, China, the Philippines, Guyana, Haiti, India and the Netherlands. A total of 769 work permits had been granted in 2021, including 22 to citizens of the United States, 72 to citizens of Brazil, 140 to citizens of China, 110 to citizens of the Philippines, 52 to citizens of Guyana, 10 to citizens of Haiti, 21 to citizens of India, 50 to citizens of the Netherlands and 292 to citizens of other countries.

43. The National Plan of Action on Trafficking in Persons required the police force, the Department of Immigration and Border Protection and other service providers to offer support for trafficked persons. Most victims of trafficking were Cuban and Venezuelan citizens. The amendment to the Foreigners Work Permit Act in August 2021 would have an impact on regulations governing the labour market and on administrative handling of permit requirements.

44. **A representative of Suriname** said that the Labour Act of 1963 was applicable to both Surinamese nationals and foreigners. Once refugees acquired a residence permit, they could apply to the Ministry of Labour, Employment and Youth Affairs for a work permit, which was generally granted for one year.

45. **Mr. Amoksi** (Suriname) said that the National Reparation Commission of Suriname addressed the issue of reparations for colonization. The Caribbean Community (CARICOM) Reparations Commission also implemented an action plan for the entire region.

46. Suriname had acceded to the Minamata Convention on Mercury on 31 October 2018. The Ministry of National Resources and the National Institute for Environment and Development in Suriname implemented awareness-raising campaigns in areas where the river water had been contaminated by mercury. The inhabitants were issued with instructions on how to protect themselves. As the law prohibited the importation of mercury, no licences were issued but it was nonetheless smuggled into the country.

47. **Mr. Yeung Sik Yuen** asked whether the law also banned the use of mercury. As it should be easy to trace users, since they would be involved in the gold-mining business, he wished to know whether any parties had been prosecuted.

48. **Ms. Tlakula** said that she would be grateful for additional information concerning the National Reparation Commission of Suriname, for instance the date of its establishment, its mandate and composition, and the action that had been taken to date.

49. **Ms. Stavrinaki** asked whether there were monitoring mechanisms tasked with ensuring that mercury was not used in gold-mining activities. She understood that migrants who applied for a residence permit were also required to obtain health insurance. It was unclear, however, whether they should obtain health insurance on arrival or when they joined the labour market.

50. **The Chair** said that she would welcome additional information regarding the status of Haitian migrants.

51. **A representative of Suriname** said that a delegation from the parliament of the Netherlands had recently visited Suriname to discuss its colonial history and the responsibility of the Netherlands for major human rights violations. One organization had calculated that a donation of about €50 billion should be paid to Suriname as a reparation for colonial history.

52. With regard to mercury, when gold was collected and brought to Paramaribo, its processing in shops and factories located in densely inhabited districts led to the emission of mercury into the air. According to a recent investigation, the amount of mercury in the air was at least 20 to 30 per cent greater than that deemed to be permissible by the World Health Organization (WHO). Brazil was located on the southern border of Suriname and about 40,000 people of Brazilian origin were currently active in the gold business. In addition, Guyana had not yet banned the import of mercury. As mercury was probably smuggled into Suriname from both countries, it was essential to impose stricter border controls.

53. **Mr. Balcerzak** said that the Committee was aware of the tragic events that had occurred in the State party in 1982 and 1986. He hoped that those responsible would be brought to justice. The Committee appreciated the draft legislation that had been prepared during the past two years and would pay close attention to developments, which would hopefully promote the eradication of racial discrimination.

54. **Mr. Amoksi** (Suriname) expressed his delegation's appreciation of the constructive spirit of the discussions with the Committee as well as the positive feedback and recommendations. The Surinamese Government remained committed to ensuring that all persons on its territory enjoyed human rights and fundamental freedoms, and it would continue to collaborate with national stakeholders and international partners with that end in view.

The meeting rose at 5.50 p.m.