



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Eightieth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

Concluding observations of the Human Rights Committee

SURINAME

1. The Committee considered the situation of civil and political rights in Suriname at its 2054th and 2055th meetings (CCPR/C/SR.2054 and 2055), held on 22 and 23 October 2002 in the absence of a report, but in the presence of a delegation. At its 2066th meeting (CCPR/C/SR.2066), held on 31 October 2002, it adopted provisional concluding observations pursuant to rule 69A, paragraph 1, of its rules of procedure. Pursuant to the provisional concluding observations, the Committee invited the State party to submit its second periodic report within six months. The State party submitted its report within the deadline set by the Committee. The Committee considered the second periodic report of Suriname at its 2173rd and 2174th meetings (CCPR/C/SR.2173 and 2174), on 17 and 18 March 2004. At its 2189th meeting (CCPR/C/SR.2189), held on 30 March 2004, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report, which contains detailed information on Surinamese legislation in the area of civil and political rights, and the opportunity to resume its review of the human rights situation in Suriname. It regrets the very long delay in submitting the report, which was due in 1985, and the scarcity of information on the human rights situation in actual fact, which makes it difficult for the Committee to determine whether the State party's population is able fully and effectively to exercise the rights guaranteed by the Covenant.

3. The Committee welcomes the willingness of the State party to cooperate and to resume its dialogue with the Committee on the application of the rights guaranteed by the Covenant in Suriname, as evidenced by the presence of a delegation during the Committee's seventy-sixth session in October 2002 and during the present session. The Committee appreciates the efforts made by the delegation to provide answers to its questions. It regrets that the delegation was not in a position to provide full information on the current situation of civil and political rights in the State party, or to respond specifically to several of the issues raised by members of the Committee.

B. Positive aspects

4. The Committee welcomes the reforms in the State party's legislation since the review of the initial report in 1980, in particular with respect to the creation of democratic institutions and the recognition, in the Constitution of 1987, of fundamental human rights and freedoms.

5. The Committee welcomes the fact that the Covenant takes precedence over domestic law and that provisions of the Covenant may be invoked directly in the domestic courts.

6. The Committee welcomes the delegation's information that human rights training is provided for the police, the judiciary, teachers and students and recommends that the State party extend such training to other parts of the Surinamese population.

C. Principal subjects of concern and recommendations

7. The Committee is concerned at the continued impunity of those responsible for human rights violations committed during the period of military rule. In particular, investigations into the December 1982 killings and the 1986 Moiwana massacre remain pending and have not yet produced concrete results. The information supplied by the delegation that all such cases are still being investigated is disturbing, especially given the lapse of time since their occurrence. The Committee further considers that this situation reflects a lack of effective remedies available to victims of human rights violations, which is incompatible with article 2, paragraph 3, of the Covenant.

The State party should give special priority to bringing to justice the perpetrators of human rights violations, including human rights violations committed by police and military personnel. The perpetrators of such acts must be tried and punished if found guilty, regardless of rank and political status. The State party should take all necessary measures to prevent the recurrence of such acts. Victims and their relatives should be provided with adequate compensation.

8. The Committee regrets that the State party has not provided detailed information concerning the implementation of the Committee's findings in its Views on communications Nos. 146/1983 and 148-154/1983 (*Baboeram et al. v. Suriname*).

The State party is urged to implement the Committee's findings on communications Nos. 146/1983 and 148-154/1983. The State party should consider adopting appropriate procedures for implementing the Committee's Views under the Optional Protocol.

9. The Committee regrets that the State party has not provided the information requested on the domestic application of article 4 of the Covenant and whether national legislation further spells out the modalities under which article 23 of the Constitution may be invoked. The Committee has no information as to which factors are considered “a threat to the life of the nation” justifying derogation from particular rights, or which factors justify continued derogation.

The State party should ensure that the implementation of article 23 of the Constitution is in conformity with article 4 of the Covenant. Instances of detention during a public emergency should be strictly limited.

10. The Committee notes that while the State party has not carried out judicial executions for almost 80 years, the death penalty remains on the statute books for the offences of aggravated murder, premeditated murder and treason.

The Committee encourages the State party to abolish the death penalty and accede to the Second Optional Protocol to the Covenant.

11. While the Committee notes that the State party is taking measures to investigate and punish police officers involved in incidents of ill-treatment of detainees, including beatings and sexual abuse of detainees (especially during the initial stages of detention), it remains concerned that such incidents continue to be reported (arts. 7 and 10).

Allegations of ill-treatment in custody should be investigated by an independent mechanism, and those held responsible should be prosecuted and receive appropriate punishment. Victims of such treatment should receive full reparation, including fair and adequate compensation. Appropriate human rights training should continue to be given to law enforcement personnel.

12. The Committee notes with concern the high incidence of domestic violence and the absence of appropriate legislation to protect women against such violence. It notes the delegation’s additional information that acts of domestic violence may be prosecuted under alternative provisions of the Criminal Code (arts. 3 and 7).

The State party should take legal and educational measures to combat domestic violence. It is invited to educate the population at large about the need to respect women’s rights and dignity.

13. While the Committee has noted the efforts made by the State party to deal with the situation regarding trafficking in women, in particular through legislation and international cooperation, it remains concerned about the slow progress in implementing those policies (arts. 3 and 8).

The State party should ensure that effective measures are taken to combat trafficking in women.

14. While noting the State party's acknowledgment that there are problems with lengthy pre-trial detentions, as well as its denial that incommunicado detention is practised, the Committee remains concerned that domestic law provides for the possibility that a detainee may not be brought for the first time before a judge until 44 days after his detention and about reports that prisoners are kept in incommunicado detention, and that in both cases this apparently occurs without access to a lawyer (art. 9, paras. 3 and 4).

The State party should correct the above practice forthwith, as it is incompatible with article 9, paragraphs 3 and 4, of the Covenant. It should amend its relevant legislation without delay to ensure that anyone arrested or detained on a criminal charge is brought promptly before a judge, in conformity with the provisions of article 9, paragraph 3, of the Covenant.

15. While acknowledging the efforts made by the State party to reform its prison system and construct new prison facilities to overcome the problem of overcrowding, the Committee expresses its concern at the persistence of poor prison conditions and serious overcrowding. It also notes that the backlog in the adjudication of cases encountered by the judicial system contributes to this situation.

The State party should take appropriate measures to reduce the number of persons in detention and to improve prison conditions in order to comply with article 10 of the Covenant. Additional resources should be allocated to the judiciary, in order to reduce the number of detainees in pre-trial detention.

16. The Committee regrets that the State party has not provided information, as requested, about the role of military courts, their jurisdiction and composition, and how the State party ensures their independence and impartiality.

The State party should ensure that military courts, if operating, function in accordance with the rights set out in the Covenant, in particular in accordance with the rights laid down in article 14. The State party should provide the Committee with the relevant information.

17. The Committee is concerned about the compatibility with the Covenant of the low age of criminal responsibility in Suriname (10 years), having regard in particular to reliable information about the ill-treatment of children in detention and the long delays in pending trials.

The State party should revise its legislation with regard to the age of criminal responsibility, which at its present level is unacceptable under international standards. The State party should inform the Committee as to how its practice complies with articles 10, paragraph 2 (b), 14, paragraph 4, and 24 of the Covenant.

18. The Committee is concerned that the current Asian Marriage Act provides for "arranged marriages" and sets the minimum age for marriage at 13 years for female and 15 years for male citizens of Asian descent. These ages are incompatible with articles 3 and 26 and article 24, paragraph 1, of the Covenant. Marriage at such a young age, and in particular arranged

marriages, is also incompatible with article 23 of the Covenant, which stipulates that no marriage shall be entered into without the free and full consent of the intending spouses. While the State party submits that citizens of non-Asian descent also may marry under this Act, it has not responded to the Committee's request for statistics on how many non-Asians have actually done so (arts. 23 and 24).

The State party should take steps to change the current marriage legislation and to bring it into conformity with the Covenant.

19. While noting the State party's effort to establish a "nucleus centre" to provide schooling in the interior of the country, the Committee remains concerned at reports indicating that as few as 40 per cent of children living in the interior of the country attend primary school, thus depriving many children of the possibility of attending school on an equal footing with children in other parts of the country (art. 26).

The State party should ensure that all children are afforded equal opportunities for access to schooling, and that school fees do not prevent them from receiving primary education.

20. While the Committee welcomes the State party's Gender Policy Programme, including a timetable for reviewing several provisions in domestic laws that are discriminatory against women, it remains concerned that discriminatory legislation in relation to gender still exists, including in the Personnel Act, the Identity Act, the Nationality and Residence Act and the Elections Act (arts. 3 and 26).

The State party is invited to eliminate any existing legislation that discriminates in relation to gender.

21. The Committee is concerned at the lack of legal recognition and guarantees for the protection of indigenous and tribal rights to land and other resources. It regrets that logging and mining concessions in many instances were granted without consulting or even informing indigenous and tribal groups, in particular the Maroon and Amerindian communities. It also notes allegations that mercury has been released into the environment in the vicinity of such communities, which continues to threaten the life, health and environment of indigenous and tribal peoples. The latter are also said to be victims of discrimination in employment and education, and generally with respect to their participation in other areas of life (arts. 26 and 27).

The State party should guarantee to members of indigenous communities the full enjoyment of all the rights recognized by article 27 of the Covenant, and adopt specific legislation for this purpose. A mechanism to allow for indigenous and tribal peoples to be consulted and to participate in decisions that affect them should be established. The State party should take the necessary steps to prevent mercury poisoning of waters, and thereby of inhabitants, in the interior of the State party's territory.

22. The State party should widely publicize the present examination of its second periodic report by the Committee and, in particular, these concluding observations. The State party is further invited to make publicly available, including to the Committee, the findings of the Commission to Prepare an Institution Charged with Investigating Violations of Human Rights in Suriname.

23. The State party is requested, pursuant to rule 70, paragraph 5, of the Committee's rules of procedure, to forward information, within one year, on the implementation of the Committee's recommendations contained in paragraphs 11 and 14 above. The State party's third periodic report should be submitted to the Committee by 1 April 2008.
