



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

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

Sixty-fourth session
23 February-12 March 2004

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

**Concluding observations of the Committee on the
Elimination of Racial Discrimination**

SURINAME

1. The Committee considered the first to tenth periodic reports of Suriname, submitted as a single document (CERD/C/446/Add.1), at its 1614th and 1615th meetings (CERD/C/SR.1614 and 1615) on 23 and 24 February 2004. At its 1636th and 1637th meetings, held on 9 and 10 March 2004, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the initial report of Suriname and the opportunity that it affords for engaging in dialogue with the State party. It is pleased that the Government was represented by a high-ranking delegation, and acknowledges the oral and written responses that the delegation provided.

3. The Committee takes note with satisfaction of the efforts made by the State party to comply with its guidelines regarding the form and contents of reports, and in particular of the information provided on the ethnic composition of the population. It does, however, regret that the initial report as a whole does not contain sufficient information on the practical application of the Convention.

4. The Committee also regrets that the initial report was submitted 18 years after its due date. It invites the State party to respect the intervals suggested by the Committee for the submission of its future reports.

B. Positive aspects

5. The Committee notes with satisfaction that, under the constitutional arrangements in force in the State party, the Convention takes priority over domestic legislation.

6. The Committee welcomes the fact that the definition of racial discrimination under domestic law is consistent with article 1 of the Convention.

7. The Committee notes with satisfaction that the State party's criminal law is broadly consistent with the requirements of article 4 (a) of the Convention.

8. The Committee notes with interest the State party's assurance that the number of Maroons and indigenous people who have senior positions in the community is increasing steadily, although there still is a great deal to be achieved.

C. Matters of concern and recommendations

9. The Committee regrets that the long-awaited Constitutional Court, which the State party describes as an essential mechanism for the protection of human rights, in particular in the area of the Convention, has still not been created.

The Committee invites the State party to establish the Constitutional Court as soon as possible.

10. As regards the prohibition of organizations fomenting racial discrimination, the Committee points out that the laws of Suriname do not meet the requirements of article 4 (b) of the Convention.

The Committee recommends that the State party draft a law declaring illegal and banning such organizations.

11. The Committee is concerned that, more than 10 years after the 1992 Peace Accord, the State party has not adopted an adequate legislative framework to govern the legal recognition of the rights of indigenous and tribal peoples (Amerindians and Maroons) over their lands, territories and communal resources.

While noting the principle set forth in article 41 of the Constitution that natural resources are the property of the nation and must be used to promote economic, social and cultural development, the Committee points out that this principle must be exercised consistently with the rights of indigenous and tribal peoples. It recommends legal acknowledgement by the State party of the rights of indigenous and tribal peoples to possess, develop, control and use their communal lands and to participate in the exploitation, management and conservation of the associated natural resources.

12. The Committee notes the efforts made by the State party, to some degree, to reconcile the State's title to the country's natural resources with the rights of indigenous and tribal peoples, in particular by means of the 1992 Peace Accord. It nevertheless observes that the Accord is not clear on this issue, and has not been put into effect.

The Committee recommends urgent action by the State party in cooperation with the indigenous and tribal peoples concerned to identify the lands which those peoples have traditionally occupied and used. It would welcome more detailed information on the membership, terms of reference, modes of operation and financial and human resources at the disposal of the Council for the Development of the Interior which, under the terms of the Peace Accord, is required to assist in the land demarcation process.

13. While also noting the State party's assertion that there are mechanisms guaranteeing that indigenous and tribal peoples are notified and consulted before any forestry or mining concessions within their lands are awarded, the Committee is disturbed at reports that consultation of that kind is rare.

The Committee invites the authorities to check that the established mechanisms for notifying and consulting the indigenous and tribal peoples are working, and recommends that the State party strive to reach agreements with the peoples concerned, as far as possible, before awarding any concessions.

14. The Committee notes that, under the draft Mining Act, indigenous and tribal peoples will be required to accept mining activities on their lands following agreement on compensation with the concession holders, and that if agreement cannot be reached, the matter will be settled by the executive, and not the judiciary. More generally, the Committee is concerned that indigenous and tribal peoples cannot as such seek recognition of their traditional rights before the courts because they are not recognized legally as juridical persons.

The Committee recommends that indigenous and tribal peoples should be granted the right of appeal to the courts, or any independent body specially created for that purpose, in order to uphold their traditional rights and their right to be consulted before concessions are granted and to be fairly compensated for any damage.

15. The Committee notes with concern complaints by indigenous and tribal peoples in the interior about the deleterious effects of natural-resource exploitation on their environment, health and culture. It regrets that the State party does not seem to have attached the highest priority to dealing with the problem of mercury contamination in parts of the interior.

The Committee wishes to point out that development objectives are no justification for encroachments on human rights, and that along with the right to exploit natural resources there are specific, concomitant obligations towards the local population; it recommends adoption by the State party of a legislative framework that clearly sets forth the broad principles governing the exploitation of the land, including the obligation to abide by strict environmental standards. It recommends the State

party to set up an independent body to conduct environmental impact surveys before any operating licenses are issued, and to conduct health and safety checks on small-scale and industrial gold-mining.

16. The Committee is disturbed at reports of growing sexual exploitation of children and the rape of girls belonging to indigenous and tribal peoples in regions where mining and forestry operations have developed.

The Committee recommends that the State party take the necessary measures to ensure that those responsible are prosecuted.

17. The Committee is concerned at information about the spread of sexually transmitted diseases such as HIV/AIDS amongst indigenous and tribal people, in connection with the expansion of mining and forestry operations in the interior of the country.

The Committee recommends that the State party introduce a plan of action to combat AIDS in the interior.

18. The Committee expresses surprise at the State party's statement that the Maroons and Amerindians have never officially complained about the effects of natural-resource exploitation.

The Committee recommends that an information campaign be directed to the indigenous and tribal peoples, informing them what remedies are available for upholding their rights and interests, and that investigations take place whenever the State party receives reports that the rights of indigenous and tribal peoples have been flouted.

19. The Committee is disturbed at the continuing lack of health and education facilities and utilities available to indigenous and tribal peoples. It regrets that no special measures have been taken to secure their advancement on the grounds that there are no available data suggesting that they need special protection.

The Committee recommends that greater efforts be undertaken by the State party, in particular as regards the education plan of action for the interior. It also recommends the inclusion in agreements with large business ventures - in consultation with the peoples concerned - of language specifying how those ventures will contribute to the promotion of human rights in areas such as education.

20. The Committee welcomes the delegation's statement that the 1992 Amnesty Act did not terminate the proceedings concerned with human rights violations committed during the civil strife of 1985-1991, including the 1986 Moiwana massacre. It is, however, disturbed that the inquiries into those events have still not reached a conclusion.

The Committee recommends the State party to attach high priority to ensuring that those guilty of human rights violations during the civil war do not go unpunished, and that the victims are offered appropriate compensation as swiftly as possible.

21. While noting the State party's legitimate desire to ensure that the official language is taught and to promote the teaching of Spanish and English, the Committee is disturbed at the lack of plans to preserve the native languages of the country's indigenous and tribal peoples. It is also concerned that Sranan Tongo, which is spoken by the majority of the population, is not given sufficient prominence in education.

The Committee invites the State party to encourage the learning of mother tongues, in particular Sranan Tongo, with a view to preserve the cultural and linguistic identity of the various ethnic groups.

22. The Committee notes that the authorities appear to limit themselves to not hampering the exercise by the various ethnic groups and their members of their cultural rights.

The Committee recommends that the State party should respect and promote the indigenous and tribal peoples' cultures, languages and distinctive ways of life. It encourages the authorities to carry out a survey, in collaboration with the groups concerned, of the impact of economic development in the indigenous and tribal peoples' lands on their collective and individual cultural rights.

23. The Committee draws the State party's attention to its general recommendation XXIII (1997) on the rights of indigenous peoples, and reminds it of the relevance of International Labour Organization Convention No. 169 concerning indigenous and tribal peoples to Suriname's particular circumstances.

The Committee would welcome further information on the general discussion of the substance of that Convention, which was mentioned in the 1992 Peace Accord, and the outcome. It encourages the State party to consider ratifying the Convention as quickly as possible.

24. The Committee is concerned about reports that the process of voluntary repatriation and reintegration of Surinamese refugees in French Guyana has not been completed for many Maroon men, leaving their wives and children in deep poverty.

The Committee would like detailed information on this issue.

25. The Committee takes note of the State party's desire to respect the marriage customs of various ethnic groups, its efforts to establish a uniform age of consent at 18 years, and to ban marriages to which the woman does not consent. On this point, it observes that the 1973 Marriage Act came into force in June 2003.

The Committee recommends continued efforts by the State party to ensure that the rights of women are respected, irrespective of the community they belong to, especially where marriage is concerned. It calls for detailed information on the marriage rules and practices that apply in the indigenous and tribal communities.

26. In applying the Convention, in particular articles 2 to 7, under domestic law, the Committee advises the State party to take account of the relevant parts of the Durban Declaration and Plan of Action, and to provide information in its next periodic report on plans of action and other steps it has taken to give effect to the Durban Declaration and Plan of Action at the national level.

27. The Committee strongly recommends that the State party ratify the amendment to article 8, paragraph 6, of the Convention adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention and endorsed by the General Assembly in resolution 47/111. It refers in this connection to General Assembly resolution 57/194, which strongly urges States parties to the Convention to accelerate their domestic ratification procedures with regard to the amendment and to notify the Secretary-General expeditiously in writing of their agreement to the amendment. A similar appeal has been reiterated by the General Assembly in its resolution 58/160.

28. The Committee notes that the State party has not made the optional declaration provided for in article 14 of the Convention, and recommends that it consider the possibility of doing so.

29. The Committee recommends that the State party's reports be made readily available to the public and that the observations of the Committee on these reports be similarly publicized.

30. The Committee invites the State party to take advantage of the technical assistance available under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights for the purpose of drafting a framework law on the rights of indigenous and tribal peoples that addresses the Committee's concerns set out above.

31. The Committee recommends that the State party submit its eleventh and twelfth periodic reports in a single document due by 14 April 2007, and respond all the points raised in these concluding observations.

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