



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

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Seventy-fourth session
16 February-6 March 2009

**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 eleventh and twelfth periodic reports of Suriname, submitted as a single document (CERD/C/SUR/12), at its 1916th and 1917th meetings (CERD/C/SR.1916 and 1917), held on 24 and 25 February 2009. In its 1928th meeting, held on 4 March 2009, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the eleventh and twelfth periodic reports submitted by the State Party. The Committee also expresses appreciation for renewed dialogue with the State Party and appreciates the responses provided by the delegation to some of the Committee's questions.

3. The Committee regrets that sufficient information on the concrete implementation of the Convention and that the steps taken to carry out the previous concluding observations

were not contained in the report. Similarly, it regrets the fact that the report, its general form, and contents are not consistent with the Committee's guidelines.

B. Positive aspects

4. The Committee welcomes the support of the State Party in September 2007 for the United Nations Declaration on the Rights of Indigenous Peoples.

5. Despite challenges and limited resources in terms of finances and manpower, the State Party has made efforts to present its report to the Committee, indicating its commitment to the letter and spirit of the Convention.

6. The Committee notes with interest the legal developments regarding the regulation of marriage, in particular, the entry into force of the Act on Revision of the 1973 Marriage Act by Government Decree of 25 June 2003, which removed the inequality that existed in the field of religious marriages.

7. The Committee welcomes the recent steps that the State Party is undertaking to strengthen the administration of justice, such as increasing the number of judges in the Court of Justice from seven to seventeen members; the recent training provided to new judges, as well as the ongoing prosecutor training.

8. The Committee welcomes and encourages continuing dialogue and collaboration with the Special Rapporteur on the rights and fundamental freedoms of indigenous peoples, especially regarding technical support for a draft framework law on indigenous peoples' rights.

9. The Committee welcomes the information concerning the establishment of the Presidential Commission on Land Rights and the completion of its final report.

C. Concerns and recommendations

10. The Committee notes with concern that the information provided by the State Party regarding the implementation of its previous concluding observations, issued in 2004, and on steps taken to give effect to the Committee's decisions under the early-warning and urgent-action procedures in 2003, 2005, and 2006, is insufficient.

The State Party is invited to comply with all recommendations and decisions addressed to it by the Committee and take all necessary steps to ensure that national legislation and its implementation guarantee the effective enjoyment of all Convention rights in the State party. The Committee would like to have information on this subject in the State party's next periodic report.

11. The Committee is concerned that the establishment of the Constitutional Court, a body which is of particular importance for the protection of relevant groups, is still pending. (arts. 2 and 6)

The Committee reiterates the invitation extended to the State Party in its previous concluding observations in 2004 to establish the Constitutional Court as soon as possible.

12. Recognizing the fact that the State Party's national economy heavily depends on the natural-resource extraction industry -- namely mining and logging, including in ancestral lands and traditional settlements of indigenous and tribal peoples -- the Committee remains concerned about the protection of the rights to land, territories and communal resources of the indigenous and tribal peoples living in the interior of the country. Similarly, the Committee is concerned at the nonexistence of specific legislative framework to guarantee the realization of the collective rights of indigenous and tribal peoples (arts. 2 and 5).

The Committee urges the State Party to ensure legal acknowledgement of the collective rights of indigenous and tribal peoples – known locally as Maroons and Bush Negroes - to own, develop, control and use their lands, resources and communal territories according to customary laws and traditional land-tenure system and to participate in the exploitation, management and conservation of the associated natural resources.

13. While noting with interest the final report by the Presidential Commission on Land Rights presented for analysis to the President of Suriname, the Committee is concerned about the lack of an effective natural resources management regime. (art. 2)

The Committee encourages the State to intensify its consideration of the final report in view to setting the principles for a comprehensive national land rights regime and appropriate relevant legislation with the full participation of the freely chosen representatives of indigenous and tribal peoples, as per the Commission's mandate. In the Committee's opinion, the State Party's consideration of the report of the Presidential Commission should not be to the detriment of its full compliance with the orders of the Inter-American Court of Human Rights in the *Saramaka People* case.

14. The Committee is concerned that the draft Mining Act 2004 is still in Parliament and, according to information before the Committee, that mining licences continue to be granted by the Ministry of Natural Resources to enterprises without prior consultations with or providing information to indigenous and tribal peoples. (arts. 2 and 5)

The Committee invites the State party to update and approve the draft Mining Act in conformity with the Committee's previous recommendations (2004 and 2005). While noting that the District Commissioners are involved with and consult the indigenous and tribal communities concerned before granting concessions, the Committee recommends that, when taking legislative or administrative decisions which may affect the rights and interests of indigenous and tribal peoples, the State Party endeavour to consult and obtain their informed consent.

15. The Committee reiterates its concern with regard to repeated information highlighting the fact that children from indigenous or tribal groups continue to experience

discrimination in, inter alia, access to education, health and public services. The Committee notes that this discrimination relates to indigenous and tribal communities living in the interior as well as to those in assimilated suburban settings. However, it regrets that in the absence of disaggregated statistical information, the Committee finds it difficult to assess the extent of equal enjoyment of the rights guaranteed in the Convention. (art.5)

The Committee recommends that the State party provide relevant statistical information, on including budgetary allocations in subsequent reports and emphasizes that such data is necessary to ensure the application of adequate legislation to ensure equal enjoyment of economic, social and cultural rights by Surinamese citizens.

16. The Committee expresses concern that no special measures are taken to preserve the native languages of the country's indigenous and tribal people, and that this is reflected in the area of education. Of particular concern are the illiteracy rates that are almost double the national average for indigenous and tribal peoples. (art. 5)

The Committee, appreciating the value of multilingual education, reiterates its recommendation that the State party take steps to give adequate recognition to native languages and encourages the State party to seek strategies with a view to introducing bilingual education.

17. While welcoming the information shared by the State party on its existing policies to encourage job opportunities and training for people living in the interior, and while noting with interest that the State party is considering ratification of ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries, the Committee remains concerned that the State party has not yet adopted special measures to ensure the effective protection with regard to recruitment and conditions of employment of workers belonging to indigenous and tribal peoples. (art. 5)

The Committee calls on the State Party to:

- (a) Include in its next report information on the research, consultations, and discussions carried out by different ministries and special measures adopted in this respect; and**
- (b) Publicize and increase awareness-raising efforts to disseminate the contents of the United Nations Declaration on the Rights of Indigenous Peoples.**

18. While recognizing that the State party publicly declared that it has implemented the judgements of the Inter-American Court of Human Rights in the *Saramaka People* case and the *Moiwana Village* case, and welcoming the information provided by the delegation on the measures taken up to date, the Committee is concerned at the ongoing delays in compliance of the most crucial aspects of the court judgements, in particular, concerning the recognition of communal and self-determination rights of the Saramaka people and the investigation and punishment of the perpetrators of the Moiwana Village massacre in 1986. The Committee also notes with concern that, although efforts have been made regarding consultation with indigenous peoples so that they may participate in decisions which affect them with a view to

securing their agreement, there are still situations in which consultation and participation do not occur. (art. 6)

The Committee recommends that the State party initiate consultations with the indigenous and Maroon communities concerned. The Committee further invites the State party to find ways and means to facilitate such participation and wishes to receive more detailed information on results of such consultations. The Committee also reiterates its recommendation, with urgency, that the State party initiate steps towards the full implementation of the Court's orders according to the set implementation timeline. Further information would be appreciated in the next report on progress made in the implementation of the peace agreements of 1992.

19. The Committee notes with concern the recent trend of a growing flow of petitions regarding internal matters which have been addressed to international courts and bodies. This trend highlights the need to fortify national courts and create a legislative framework that adequately responds to domestic matters. While noting the State party's view that the remedies provided under Surinamese law are sufficient to assert and seek protection of rights, the Committee stresses the analysis by the Inter-American Commission of Human Rights and the judgements by the Inter-American Court of Human Rights, which found the domestic legal system does not provide adequate effective remedies to collective rights. (art. 6)

The Committee invites the State party to reconsider its position and to identify practical methods to strengthen judicial procedures, including through use of customary law practices, where appropriate, for effective protection and remedies against acts of discrimination affecting indigenous and tribal peoples.

20. Noting that the State party submitted its Core Document in 1998, the Committee encourages it to submit an updated version in accordance with the harmonized guidelines on reporting (HRI/GEN/2/Rev.4).

21. The Committee recommends that the State party take into account the relevant provisions of the Durban Declaration and Programme of Action when implementing the Convention in its domestic legal order, particularly as regards articles 2 to 7 of the Convention. The Committee also urges that the State party include in its next periodic report information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level. It encourages the State party to participate actively in the Durban Review Conference in 2009.

22. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted on 15 January 1992 at the 14th Meeting of States Parties and approved by the General Assembly in its resolution 47/111 of 16 December 1992. In this connection, the Committee recalls General Assembly resolutions 61/148 of 19 December 2006, and 62/243 of 24 December 2008, in which the Assembly strongly urged 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.

23. The Committee recommends that the reports of the State party be made available to the public at the time of their submission and that the Committee's observations thereon be similarly publicized, including in indigenous languages.

24. The Committee wishes to encourage the State party to ratify the International Convention on the Protection of All Migrant Workers and Members of Their Families.

25. In accordance with article 9, paragraph 1, of the Convention and rule 65 of the Committee's amended rules of procedure, the Committee requests the State party to provide information on the implementation of the Committee's recommendations in paragraphs 11, 17(b), and 18 within one year from the adoption of the present concluding observations.

26. The Committee recommends that the State party submit its thirteenth, fourteenth and fifteenth periodic reports on an exceptional basis in a single document by 14 April 2013, taking into account the guidelines for the CERD-specific document adopted by the Committee at its seventy-first session (CERD/C/2007/1), and that it contains updated information and addresses all points contained in the concluding observations.

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