

Submission by the United Nations High Commissioner for Refugees
For the Office of the High Commissioner for Human Rights' Compilation Report
Universal Periodic Review: 3rd Cycle, 39th Session

SURINAME

I. BACKGROUND INFORMATION

Suriname acceded to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* in 1978 (hereinafter jointly referred to as the *1951 Convention*). Suriname is not a State party to the *1954 Convention relating to the Status of Stateless Persons* (the *1954 Convention*) nor to the *1961 Convention on the Reduction of Statelessness* (the *1961 Convention*). Suriname has not developed any national asylum and refugee determination procedures, though the admission of refugees is foreseen in *Aliens Act 1991, Law of 16 January 1992 concerning the Admission and the Expulsion of Aliens* where refugees may be granted residency permits.

As of June 2020, Suriname hosted 47 refugees and 1,852 asylum-seekers.¹ Currently, no statistical data regarding the number of stateless persons in Suriname is available to UNHCR. Increasingly Venezuelans are arriving and registering with UNHCR, with 262 Venezuelans registered in the last three years.

Suriname is situated on the north coast of South America, along the Caribbean Sea between Guyana, French Guyana and Brazil. Suriname faces a complex situation as a country of origin, transit, and destination for irregular, mixed migration. In the past 30 years, Suriname has become a host country for persons seeking international protection and irregular migrants attracted by the relative ease of Suriname's border crossing, the perception that the population is less xenophobic, the possibilities of better wages and/or employment in the agriculture or mining sectors.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Issue 1: Integration of refugees and asylum-seekers

Linked to 2nd cycle UPR recommendation no. 133.75 Reinforce efforts at legislative level and political measures to combat trafficking in persons for sexual and labour exploitation;²

UNHCR welcomes the policy decision by the Government of Suriname, through ministerial decree, to issue residency permits to refugee and asylum-seekers (S.B. 2018 no. 33). Although Suriname lacks national asylum and refugee determination

¹ Data is available at: <https://www.unhcr.org/refugee-statistics>.

² UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Suriname*, 1 July 2016, A/HRC/33/4, Recommendation 133.75 by Honduras, available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/SRindex.aspx>.

procedures, the grant of a residency permit to refugees admitted to Suriname is set out in the *Aliens Act 1991*, Article 16.

Refugees and asylum-seekers registered with UNHCR can apply for the residency permit through an online portal, with the provision of their passport and UNHCR issued documentation and the payment of a reduced fee, making the process accessible and affordable. The permit is valid for one or two years depending on whether they apply having the status as an asylum-seeker (one year) or as a refugee (two years), with the possibility for extension.

This move reduces the likelihood that persons in need of international protection may fall victim to trafficking for the purposes of sexual and labour exploitation as a result of their irregular immigration status or the lack of national asylum and refugee determination procedures. Rather through this process the Government of Suriname has enabled refugees and asylum-seekers to access a legal status, and formal labour markets with the work authorization which comes with the residency permits. With greater access to formal markets and the assurance of legal status, individuals are more likely to locally integrate, engage with authorities for their protection, including police and justice institutions, and are less likely to resort to desperate measures which leave them vulnerable to trafficking schemes for the purposes of sexual and labour exploitation.

Additional achievements and positive developments

UNHCR also wishes to commend the Government of Suriname for its sustained commitment to strengthening regional cooperation on the protection of refugees and stateless persons through its membership and continued participation in the Caribbean Migration Consultations, including most recently at the two-day technical-level meeting is to discuss and recommend for adoption various documents with a view to formalizing the structure and objectives of the CMC hosted by the Government of Jamaica on 5-6 December 2019. UNHCR hopes the Government of Suriname continues its strong engagement with the CMC throughout the next steps for the formalization of the structures of the CMC.

Similarly UNHCR wishes to commend the government for its participation in the “Third Regional QAI Roundtable, Determination of Refugee Status in the Context of Large-Scale Mixed Movements,” in October 2019, marking the first occasion in which the Government of Suriname participated in a QAI event. The roundtable provided an opportunity for States to share good practices, exchange information on their asylum systems and discuss with UNHCR on how to strengthen their systems.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 2nd cycle UPR recommendations

Issue 1: National asylum and refugee specific legislation

Linked to 2nd cycle UPR recommendation no. 133.36 “Continue the efforts to reinforce the human rights institutions and the harmonization of the national legislation with the human rights conventions, to which the country is a party (Morocco);”³

³ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Suriname*, 1 July 2016, A/HRC/33/4, Recommendation 133.36 by Morocco, available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/SRindex.aspx>.

Despite acceding to the *1951 Convention* in 1978, the country lacks national asylum and refugee legislation and procedures. Through its Multi-Country Office in Panama, UNHCR conducts registration of asylum-seekers and refugee status determination in the country and undertakes the search for durable solutions for recognized refugees which are not able to locally integrate.

While the Government of Suriname respects UNHCR-issued identity documentation for refugees and asylum-seekers and has not intentionally or knowingly violated the principle of *non-refoulement*, more efforts to identify persons in need of international protection are needed by the State to ensure adherence to the principle of non-refoulement and international standards stemming from its international obligations under the *1951 Convention*. UNHCR encourages the Government of Suriname to develop formal procedures for identification of persons in need of international protection and for determining refugee status.

UNHCR is prepared to provide support to the Government of Suriname to develop a national refugee policy, including the drafting of specific asylum and refugee legislation. UNHCR remains committed to training and capacity-building efforts with Government officials and civil society members, building on training provided in 2016, 2017 and 2019 on international protection and development of asylum systems, including the Quality Assurance Initiative (QAI) in order to strengthen the country's capacity to identify and assist persons in need of international protection and harmonize their national legislation to be consistent with international standards.

Recommendations:

UNHCR recommends that the Government of the Republic of Suriname:

- a) Facilitate access to asylum procedures for persons who have expressed a fear of returning to their country of origin and uphold the principle of *non-refoulement* of all persons in need of international protection;
- b) Develop, enact and implement refugee legislation consistent with international standards, which would include fair and efficient procedures for conducting refugee status determination, and guaranteeing the rights of all recognized refugees in Suriname;
- c) Ensure the issuance for refugees of documents or other ID cards, since the lack of documentation creates obstacles in exercising a wide range of rights guaranteed to refugees; and
- d) Review national legislation and take the necessary steps to harmonize national legislation with the 1951 Convention relating to the Status of Refugees.

Issue 2: Accession to the Statelessness Conventions

Linked to 2nd cycle UPR recommendation no. 135.20 "Sign and ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness (Portugal)."⁴

Suriname is not a State party to the *1954 Convention relating to the Status of Stateless Persons* or to the *1961 Convention on the Reduction of Statelessness*. Although Portugal's recommendation to accede to these Conventions during the 2nd cycle UPR was not supported by Suriname, only noted, UNHCR hopes that this position can be reconsidered in light of positive developments on the part of Suriname.

⁴ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Suriname*, 1 July 2016, A/HRC/33/4, Recommendation 135.20 by Portugal, available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/SRindex.aspx>.

The Government of Suriname played an active role in the commemoration process surrounding the 30th anniversary of the *1984 Cartagena Declaration on Refugees*, including its participation in the Caribbean Sub-Regional Consultation on Mixed Migration and the Protection of Refugees and Stateless Persons in September 2014 in the Cayman Islands and in the Ministerial Meeting in Brasilia in December 2014, at which the *Brazil Declaration and Plan of Action*⁵ was adopted. The *Brazil Plan of Action* includes a chapter related to the eradication of statelessness in the Americas that promotes accession to both *Statelessness Conventions*.⁶

There is a global and regional consensus on the importance of acceding to the *Statelessness Conventions*. The *1954 Convention* and the *1961 Convention* are key international treaties designed to ensure that every person has a nationality and that stateless persons enjoy a basic set of human rights. The *Statelessness Conventions* do not stand alone, rather they complement a much broader range of international legal standards, in particular those contained in human rights treaties.

In 2014, UNHCR launched the *Global Action Plan to End Statelessness: 2014 - 2024* (the *Global Action Plan*), which was developed in consultation with States, civil society and international organizations, and sets out a guiding framework comprised of 10 Actions that need to be undertaken to end statelessness within 10 years. Action 9 of the *Global Action Plan* promotes accession to the UN *Statelessness Conventions*.

The *1954 Convention* establishes minimum standards of treatment for stateless persons in respect of a number of rights. These include, but are not limited to, the right to education, employment and housing. Importantly, the *1954 Convention* also guarantees stateless persons a right to identity and travel documents and to administrative assistance. The *1961 Convention* establishes an international framework to ensure the right of every person to a nationality. It requires that States establish safeguards in their nationality laws to prevent statelessness at birth and later in life.

UNHCR welcomed the reform by the Government of Suriname of its nationality law in 2014, by which it removed gaps that could have given rise to statelessness and by ensuring gender equality in the conferral of nationality. In light of this positive development and the dynamics in the region, ratification of the two international statelessness instruments would further these advancements. Accession to the 1954 and the 1961 Conventions would place Suriname among the growing number of States that are supporting the Global Action Plan to End Statelessness by 2024.

Recommendations:

UNHCR recommends that the Government of the Republic of Suriname:

- a) Sign and ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness; and
- b) Institute statelessness status determination procedures, which would enable individual status determination and allow for a degree of stability and dignity for those granted statelessness status.

Issue 3: Challenges in the context of mixed migration

⁵ *Brazil Plan of Action: "A Common Roadmap to Strengthen Protection and Promote Sustainable Solutions for Refugees, Displaced and Stateless Persons in Latin America and the Caribbean within a Framework of Cooperation and Solidarity,"* 3 December 2014, available at: <http://www.refworld.org/docid/5487065b4.html>.

⁶ *Id.*

Linked to 2nd cycle UPR recommendation no. 133.79 “Increase efforts to identify and provide assistance to victims of human trafficking and implement and provide adequate financing for the national strategy to combat human trafficking (Belgium);”⁷

Along with other countries in the region, Suriname faces a complex phenomenon of mixed migratory movements across the Caribbean. It is crucial that Suriname, as a country of destination and/or transit, further strengthen its capacity to appropriately manage these movements with a coordinated approach. There is a need for cooperation among countries in the region on data collection and analysis, and to establish protection-sensitive entry systems and reception arrangements, mechanisms for profiling and referral of migrants with specific needs, differentiated processes, and long-term solutions.

Currently, Suriname does not fully comply with the minimum standards for the elimination of trafficking, although it has shown willingness to do so. In that respect, Suriname ratified the *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (the Palermo Protocol)* in 2007 and adopted a *National Strategy to Combat Human Trafficking* in April 2014.⁸

The trafficking of persons, particularly women and children, remains a concern to UNHCR since a coordinated approach to prevent and protect trafficking victims has not been fully developed in the region. Suriname is a source and destination country for women, men, and children who are subjected to sex trafficking and forced labour. Women and girls from Suriname, Brazil, Cuba, Dominican Republic, Haiti and Venezuela are known victims within the country.⁹

Recommendations:

UNHCR recommends that the Government of the Republic of Suriname:

- a) Enhance dialogue and consultation with UNHCR regarding mixed migratory movements, including through consultations on individuals or groups of undocumented individuals in Suriname.
- b) Reinforce efforts to identify international protection needs of victims of trafficking, and facilitate access to asylum procedures through referral mechanism, at points of entry and in detention facilities
- c) Continue its efforts to develop and implement a comprehensive anti-trafficking strategy reflected in the adoption of a national strategy to combat human trafficking in April 2014.
- d) Provide enhanced training to law enforcement, immigration, and judicial officials to better identify and protect victims of trafficking, and persons with international protection needs who may also be a victim of trafficking;
- e) Provide victims of trafficking with legal alternatives to deportation;
- f) Continue to raise awareness about all forms of trafficking in vulnerable communities, including those of refugee and asylum seekers communities in commonly spoken languages.

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⁷ UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Suriname*, 1 July 2016, A/HRC/33/4, Recommendation 133.79 by Belgium, available at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/SRindex.aspx>.

⁸ US Department of State, *2020 Trafficking in Persons Report – Suriname*, available at: <https://www.state.gov/reports/2020-trafficking-in-persons-report/suriname/>.

⁹ *Id.*