

**Introductory remarks of H.E. Jennifer Van dijk silos, minister of justice and police and Head of Delegation for the consideration of the National Report of the republic of Suriname to the Human Rights Council**

**May 2, 2016 - Geneva, Switzerland**

Mr. President, Esteemed Members of the United Nations Human Rights Council, Representatives of the United Nations Member States, Representatives of the Civil Society, Observers, Ladies and Gentlemen,

On behalf of the Government of the Republic of Suriname, I would like to extend my appreciation for the opportunity to present our national report in the second cycle of the Universal Periodic Review (UPR) and to have a frank and constructive dialogue with the Members of this Esteemed Council.

At the outset, my delegation would also like to take the opportunity to reiterate the continued commitment of the Government of Suriname for the promotion and protection of all human rights and fundamental freedoms in Suriname.

Suriname recognizes the valuable contribution of the United Nations Human Rights system and in particular the UPR mechanism in the observance and the protection of human rights.

The Government of Suriname recognizes the importance of the reporting obligations originating in the various human rights instruments as a means to monitor the implementation of the human rights instruments.

It is important to note that Suriname considers the reporting obligations to both the Treaty Body system and the UPR as mechanisms which offer the opportunity to assess the achievements in the promotion and protection of human rights in our country, as well as to address remaining challenges and constraints in this regard.

Suriname will therefore continue to cooperate with the Human Rights Treaty Bodies, the UPR mechanism and other international and regional bodies in its endeavor to ensure that the rights and freedoms of all that are present within the territory of Suriname are observed.

Mr. President,

The UPR Report of Suriname for the second cycle was prepared in consultation with various stakeholders, including civil society and NGOs.

Following the UPR of Suriname in 2011 the Government of the Republic of Suriname carefully reviewed the 91 recommendations it received, and in particular the 65 recommendations supported during the UPR.

The Government of Suriname acknowledges that the optimal perception of all human rights, - civil, political, social, economic and cultural rights, are important conditions for achieving sustainable development. The Government therefore adopts a human centered approach to development.

For the past five years, closing inequality gaps have become a high priority in the social contract between the President of the Republic of Suriname, H.E. Desiré Bouterse and the people of Suriname.

Against this backdrop Suriname has placed emphasis on improving education, health and socio-economic conditions.

In this regard reference can be made to primary education, which as from October 2012 is now free of charge, for all children in Suriname.

In addition a universal medical insurance program has been established, including the provision of health insurance to senior citizens and children below 16 years, free of charge.

Furthermore, legislation has been adopted, establishing a national minimum wage and a national pension floor for all workers.

Mr. President,

Please allow me to address some of the advance questions concerning human rights in my country, posed by the distinguished representatives of Slovenia, the United Kingdom of Great Britain and Northern Ireland, Belgium, Liechtenstein, Netherlands and Mexico.

I would like to state beforehand that questions which are more are less related to each other, have been clustered for the sake of efficiency.

With respect to the questions related to gender equality and women’s rights I may inform as follows.

The Draft Civil Code has already been submitted for approval to Parliament (the National Assembly). Following the approval of Parliament the draft Bill is returned to the President for endorsement, after which the Ministry of Home Affairs will publish the legislation in the Gazette of the Republic of Suriname.

With regard to paid maternity leave for the private sector, I wish to note that this provision has been added to the draft Civil Code. In the draft Civil Code the period of the leave is between 12 and 14 weeks, while the minimum payment of remuneration is 12 weeks.

We have taken note of the observation that in view of ensuring gender equality we should consider the option of paternity leave. In this regard the delegation wishes to inform that this is a process and will be discussed with relevant stakeholders.

The job stability of pregnant women is guaranteed. Dismissal because of pregnancy is prohibited by law.

With regard to salaries, no distinction is made between men and women.

With respect to raising public awareness about the equality of rights of women with regard to nationality, I can inform that the office “Women and Child Policy”, within the Ministry of Justice and Police is making progress in this regard.

With respect to implementation of the 2009 Law on Combating Domestic Violence I may inform of a few of the actions undertaken by the Government.

* The text was formatted and distributed amongst relevant stakeholders
* An information brochure was developed
* In the implementation of the aforementioned legislation social workers of the Foundation “Stop violence against women” were trained in order to be able to provide counseling to perpetrators of such violence. The Foundation receives subsidies for these activities
* In collaboration with UNFPA a delegation from the Caribbean paid a visit to Suriname to share their experiences on “ Partnership for Peace”, a programme on counseling perpetrators of domestic violence
* Annually awareness raising activities are held with regard to the legislation on combatting domestic violence. Specific activities are among others: development of posters and banners with the slogan “Stop violence against women”; training provided to the judiciary, police and other stakeholders on the enforcement of the legislation and the development of a standard form for registration of cases of domestic violence.

Mr. President,

The Education Bill for Primary and Secondary Education at Lower Level has been drafted by the Ministry of Education, Science and Culture and will be submitted to the Council of Ministers in May 2016.

Based on the Constitutional procedure that needs to be followed, hereafter the draft Bill will be sent to the State Council for comments. After a preliminary approval of the State Council (read: the Executive power), the Draft Bill can be submitted by the Presidency to the Parliament (the National Assembly).

I also wish to clarify the position of my country with respect to corporal punishment.

All forms of corporal punishments are punishable by law in conformity with articles 360 to 363 of the Penal Code. Under these legal provisions fall all forms of corporal punishments.

The Legal Aid Bureau of the Ministry of Justice and Police has an active role in creating awareness regarding all forms of corporal punishment and also that it is forbidden and punishable by Law.

At the beginning of each school year the Ministry of Education, Science and Culture gives specific instructions to schools and other educational institutions, in respect of the prohibition to apply corporal punishment at school.

In case of a violation of these rules, the party at fault can be dismissed or punished pursuant to Article 61 of the 1962 of the Act on the regulation of the legal status of civil servants(*Personeelswet*).

The Integral Plan for Children and Adolescents (2012-2016) includes a dimension that is specifically focused on combating all forms of violence against children. The Presidential Task Force Child and Youth Policy is currently working on updating the priorities for the new plan of action.

Mr. President,

Most of the worst forms of child labour have a punitive character and the Ministry of Justice and Police is the competent authority responsible with the execution of activities concerning said forms.

The worst forms of child labour include:

* slavery, trafficking, debt bondage and other forms of forced labour;
* forced recruitment for use in armed conflict;
* child pornography and child prostitution, sale of children and illicit
* activities such as drugs related activities (sale and produce of drugs by children), and
* hazardous work.

Legislative actions that have been undertaken include:

1. the Decree Hazardous Work Young Persons (S.B. 2010 no. 175) that regulates the performance of labour by juveniles and contains a list of hazardous labour. The Decree came into force in 2010.

2. the Revised Moral Offences of the Penal Code (S.B. 2009 no. 122), which contains some of the worst forms of child labour with a punitive character(nature), namely Article 293 child (pornography), article 303a (youth prostitution) and article 311 (Giving up Children for activities such as begging, hazardous work (employment) or hazardous artistic performances);

3. in addition Suriname ratified the Optional Protocol to the Convention on the Rights of the Child concerning child pornography, child prostitution and the sale of children in 2012.

With regard to institutional and administrative action I can inform that the Ministry of Social Affairs and housing has undertaken preparatory activities towards setting up shelters, including shelters for child victims of human trafficking.

Mr. President,

With respect to the ratification of the Convention on the Rights of Persons with Disabilities I may inform that the ratification instrument will be deposited in 2016.

With the submission in 2016 of a declaration to the depositary, stating that persons younger than 18 year are not recruited into the national armed forces, Suriname will also conclude the ratification process of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

The abolition of the death penalty in the Penal Code was a first step to arrive at the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights.

I may inform that the timeline for abolition of the death penalty in the Military Penal Code is set for the end of December 2016*.*

With regard to the question whether the Government of Suriname is considering issuing a standing invitation to special procedures mandate holders, I may inform you that Suriname has a good relationship with the special procedures mandate holders. I would like to recall that upon the request of the Government of Suriname the former Special Rapporteur on Indigenous Issues visited the country to provide technical assistance.

Suriname acknowledges the contribution of special procedures in the promotion and protection of human rights.

In furthering efforts in the area of human rights in Suriname, the Government will take into account the assistance that can be provided by the relevant special procedures of the Human Rights Council.

In consultation with the Government, UN Rapporteurs also have the opportunity to send out missions to Suriname.

Mr. President,

The Republic of Suriname remains committed to promote and defend all human rights for all and based on the principle of equality in which all who are on the territory of Suriname have an equal claim to protection of person and property, does not discriminate on the grounds of birth, sex, race, language, religious origin, education, political beliefs, economic position or any other status (article 8 sub 2 Constitution of Suriname).

As a multicultural society, the subject of sexual orientation and gender identity and expression is one that requires a broad based consultation process at the national level, involving all sectors of society, including the civil society.

In this respect the UPR Working Group may be informed that the Ministry of Justice and Police will commence aforementioned consultation process in July 2016, starting with faith based organizations.

With the amendment to the Penal Code, which came into force on the 13th of April 2015, the State made a further step in the direction of protection of LGBT.

The definition of discrimination enshrined in article 126a of the Penal Code applies to everyone, hence takes into account the principle of equality.

In Articles 175 and 176 of the amended Penal Code defamation of persons because of their sexual preference has been criminalized.

Instigation to hate, discrimination or violence (article 175a), defamation by publication (article 176), as well as the support of discriminatory actions have been criminalized.

Article 500a of the Penal Code furthermore criminalizes occupational discrimination, including discrimination based on sexual orientation.

In this respect I may inform you that measures will be undertaken to inform the wider public about the new provisions in the Amended Penal Code.

In addition I can inform that there are no differences in regulations and legislation regarding opportunities to carry out activities in Suriname by different organizations.

LGBT can submit requests for permission to carry out activities under the same legal conditions as all other organizations and legal entities in Suriname.

The principle of equality remains applicable when it comes to fundamental rights, such as the right to freedom of thought and expression and the right of peaceful congregation and organization of activities to promote certain principles.

It has been regular occurrence that police protection and surveillance has been provided to LGBTI organizations when carrying out public activities.

Mr. President,

Suriname fully subscribes to the principles of democracy and respect for the rule of law.

Taking into account the separation of powers we are convinced that the Judiciary is capable to hold accountable those who have committed crimes.

The amendment of the Amnesty Act of August 19, 1992 was an initiative by a number of legislators in line with the principle of equality enshrined in Article 8 of the Constitution of the Republic of Suriname (Article 8 reads as follows :“ *1. All who are within the territory of Suriname shall have an equal claim to protection of person and property. 2. No one shall be discriminated against on the grounds of birth, sex, race, language, religious origin, education, political beliefs, economic position* ***or any other status****”*).

Discussions were held in Parliament when this draft legislation was introduced and Parliament adopted the amendment according to its rules of procedures. Because of the separation of powers the Government (Executive) can not dictate to Parliament (Legislature).

Pending the Amnesty Act of April 5, 2012, two similar Acts were previously passed by the legislator, therefore this decision was taken in order to end the discriminatory aspects of the 1992 Amnesty Act (which solely and explicitly covers all criminal offenses, as defined by that law and committed in the period from January 1, 1985 through August 19, 1992) and thus only concentrates on that what occurred between 1980 and 1992.

It should also be pointed out that this amendment is simply a qualitative expansion of the previous Amnesty Act of August 19, 1992 .

The introduction of the explicit call for the establishment of a *“Truth and Reconciliation Commission”* implies an qualitative improvement of the 1992 Act, since its precursor did not whatsoever call for or demand the creation of a procedure to seek truth and reconciliation regarding the violations and crimes it covers.

With respect to the question as to what steps Suriname has taken to ratify the Kampala Amendments to the Rome Statute I can indicate that draft legislation related to the Kampala Amendments has already been approved by the Council of Ministers and submitted to the State Council. After approval of the State Council the draft bill~~s~~ will be submitted to Parliament (The National Assembly).

Mr. President,

Suriname has taken many steps with regard~~s~~ to the problem of mercury contamination of its interior. The most recent of these steps were the establishment of a Gold Sector Planning Programme (*Commissie Ordening Goudsector)* within the Office of the President. The National Institute for Environment and Development in Suriname (NIMOS), as the technical institute within the Office of the President, took the initiative in 2013 to conduct a legal and institutional assessment of the Minamata Convention for Suriname. This assessment has led to the formulation of a National Action Plan for the implementation of the Minamata Convention.

Currently the Government is working on the ratification process of this Convention.

In addition, through support from the Global Environmental Facility (GEF) for Enabling Activities to ratify the Minamata Convention, Suriname has received funds to assist in the ratification process and also in the process of formulating the country’s first National Action Plan in accordance with article 7 and Annex C of the Convention.

The above-mentioned is the first concrete step to ensure prevention and remedy of the effects of mercury contamination, amongst others, on indigenous lands.

Suriname fully realizes that the impacts of mercury contaminations in the country cannot be remedied within a short period of time.

The ASGM (artisanal and small scale gold mining) is the sector in which mercury is used and is also the biggest source of mercury contamination in the country.

Another initiative is that of a cooperation between Government, through some of its institutions and NGOs and the University under the so called “Mercury Free Partnership”, whose goal it is to stimulate the phasing out of mercury use within the ASGM by stimulating the use of mercury free technologies and awareness building.

Mr. President,

With respect to the implementation of the Judgements of the Inter-American Court of Human Rights in the cases “Saramaka People v. Suriname” and Kaliña and Lokono Peoples v. Suriname”, the Government of Suriname wishes to indicate that the political will is present to undertake the necessary steps in this regard.

However, the extent and the nature of the judgments oblige the State to a certain degree of cautiousness. The State wishes to execute the judgments in the most responsible manner possible, while ensuring that there is overall ownership of the process that we have embarked upon as a nation.

The State is obligated to this cautiousness since it is evident that on certain major aspects of the judgments, to date there is no common agreement among the indigenous and tribal communities.

Divergent positions are certainly evident with respect to agreeing on an applicable land use map for these communities. This makes it rather complex for the State to embark upon concrete actions for delimitation and demarcation.

The Moiwana judgement is almost fully implemented. Parts of the judgement that still need to be implemented are related to demarcation of the land and will be executed together with the implementation of the Saramaka judgment.

In the case of Moiwana it should be noted that the Court has wrongfully assigned Moiwana as property belonging to Maroons (tribal communities), whereas these lands are indigenous lands. The Indigenous peoples have objections in this regard.

In addition I can indicate that the principle of Free Prior and Informed Consent is already implemented in practice by multinationals and local large companies who have to consult with local indigenous and tribal communities.

For instance in Sarakreek the Government has mediated to arrive at an agreement between the Saramaka people and the owners of the scalians *(scalians are pontoons with fully equipped extraction systems on board, but are still considered as small-scale miners).*

The Government also mediated to arrive at an agreement between IAM GOLD and the inhabitants of the village of Koffiekamp.

Finally, Mr. President my delegation looks forward to a constructive and cooperative interaction and discussion with council members regarding my country’s Universal Periodic Review and remains ready to answer further inquiries of the UPR Working Group. I thank you kindly for your attention.