



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### Concluding observations on the fourth periodic report of Suriname\*

1. The Committee considered the fourth periodic report of Suriname<sup>1</sup> at its 4128th and 4129th meetings,<sup>2</sup> held on 10 and 11 July 2024. At its 4143rd meeting, held on 22 July 2024, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the fourth periodic report of Suriname and the information presented therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee also expresses its appreciation to the State party for its written replies<sup>3</sup> to the list of issues,<sup>4</sup> which were supplemented by the oral responses provided by the delegation, and for the additional information provided to it in writing.

#### B. Positive aspects

3. The Committee welcomes the following institutional and policy measures taken by the State party:

- (a) The establishment of the Anti-Corruption Commission, in May 2023;
- (b) The adoption of the Equal Treatment in Employment Act, in November 2022;
- (c) The adoption of the Violence and Sexual Harassment Act, in October 2022;
- (d) The abolition of the death penalty in the Military Penal Code, in August 2021;
- (e) The establishment of the Constitutional Court, in 2019;
- (f) The adoption of the Anti-Corruption Act, in 2017.

4. The Committee also welcomes the ratification of, or accession to, the following international instruments by the State party:

- (a) The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 16 November 2021;

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\* Adopted by the Committee at its 141st session (1–23 July 2024).

<sup>1</sup> [CCPR/C/SUR/4](#).

<sup>2</sup> See [CCPR/C/SR.4128](#) and [CCPR/C/SR.4129](#).

<sup>3</sup> [CCPR/C/SUR/RQ/4](#).

<sup>4</sup> [CCPR/C/SUR/Q/4](#).



- (b) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, on 16 November 2021;
- (c) The Convention on the Rights of Persons with Disabilities, on 29 March 2017.

## C. Principal matters of concern and recommendations

### National human rights institution

5. The Committee welcomes the delegation's indication that the future national human rights institute will be in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including with regard to its independence and mandate, that it will deal with complaints of human rights violations submitted by individuals and civil society organizations, that its governing body will reflect the plurality of Surinamese society and gender equality and that it will include a specific mechanism for ensuring effective consultation with Indigenous and tribal peoples. The Committee is nonetheless concerned by reports indicating a lack of transparency in the process of drafting the law to establish the institution, the lack of information on how civil society organizations will be included in the institution's functioning and the delays in finalizing its establishment (art. 2).

6. **The State party should expedite the establishment of a national human rights institution in accordance with the Paris Principles. The State party should carry out an open, transparent and meaningful consultation process on the draft law, ensuring the participation of a wide range of stakeholders, including civil society organizations and Indigenous and tribal peoples.**

### Anti-corruption measures

7. The Committee welcomes the steps taken by the State party to tackle corruption, including the adoption of the Anti-Corruption Act in 2017, the establishment of the Anti-Corruption Commission in May 2023 and the issuance of the Decree on Declaration of Income and Assets and Register of Receipts, in August 2023. The Committee is nevertheless concerned by the delays in implementing the anti-corruption framework, noting reports that corruption remains prevalent. Furthermore, the Committee regrets the lack of detailed information provided on completed investigations into alleged corruption, including convictions of high-level public officials, as well as the lack of whistle-blower protection legislation (arts. 2 and 25).

8. **The State party should:**

(a) **Accelerate the effective implementation of the Anti-Corruption Act of 2017 and ensure the effective enforcement of the Decree on Declaration of Income and Assets and Register of Receipts;**

(b) **Take all steps necessary to rapidly and fully operationalize the Anti-Corruption Commission and ensure its independence, including by swiftly adopting procedures for investigations and the registration and monitoring of assets, and providing it with an autonomous budget and sufficient resources;**

(c) **Ensure that all allegations of corruption are promptly, thoroughly and impartially investigated and that perpetrators are prosecuted and, if found guilty, adequately sanctioned;**

(d) **Implement and effectively enforce legislation to ensure transparency and prevent conflicts of interest, particularly with regard to appointments to key positions in government and public administration;**

(e) **Expedite the adoption of the Whistleblowers Protection bill, ensuring its compliance with relevant international standards;**

(f) **Provide effective training to law enforcement officials, prosecutors and judges on detecting, investigating and prosecuting corruption and related offences;**

(g) **Implement training and awareness-raising campaigns to inform public officials, politicians, the business community and the general public about the economic and social costs of corruption and the mechanisms in place to address it;**

(h) **Ensure that the activities and reports of the Anti-Corruption Commission are made public and widely disseminated.**

#### **States of emergency**

9. While noting the State party's assurance that during the coronavirus disease (COVID-19) pandemic, the legislation put in place was in conformity with its obligations under the Covenant, the Committee regrets the lack of specific information received on which Covenant rights, if any, were derogated from or restricted during the pandemic and on how the State party ensured that the implementation of any such measures was consistent with the Covenant (art. 4).

10. **The State party should review its legal framework on states of emergency in order to ensure full compliance with the requirements of article 4 of the Covenant, as interpreted by the Committee in its general comment No. 29 (2001) on derogations from provisions of the Covenant during a state of emergency. The State party should guarantee that any measures introduced in the context of a state of emergency are temporary, proportionate and strictly necessary, and subject to judicial review.**

#### **Fight against impunity, and past human rights violations**

11. The Committee welcomes the Constitutional Court's annulment, in August 2023, of the Amnesty Act of 1989 and its 2012 amending Act and the High Court's confirmation, in December 2023, of the convictions of perpetrators of the "December murders" of 1982 and the steps taken to address impunity for the perpetrators of the Moiwana Village massacre. The Committee is nonetheless concerned that the judicial and law enforcement authorities have not been able to enforce the sentences imposed on two of the perpetrators of the "December murders" of 1982 who have absconded, including former President Desiré Bouterse. Furthermore, the Committee is concerned that other grave human rights violations that occurred during the de facto military regime (1980–1991) continue to go unpunished and the victims remain without adequate remedies and that the State party has yet to implement a comprehensive and effective framework for witness protection (arts. 2, 6, 7 and 14).

12. **The State party should:**

(a) **Ensure accountability for all serious human rights violations that occurred during the de facto military regime (1980–1991), including by thoroughly investigating and prosecuting alleged crimes and ensuring that perpetrators, if found guilty, are punished commensurately with the gravity of the acts committed, and take all measures necessary to prevent their repetition;**

(b) **Ensure that investigations and prosecutions of past human rights violations are conducted according to international standards, specifically the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), and the Minnesota Protocol on the Investigation of Potentially Unlawful Death;**

(c) **Take all measures necessary to ensure the enforcement of all sentences imposed in the context of the "December murders" of 1982 trial;**

(d) **Ensure that all victims of past human rights violations and their families receive full reparation, including rehabilitation and adequate compensation, and ensure respect for their right to truth and memory;**

(e) **Ensure the effective protection of witnesses, including by establishing a comprehensive witness protection framework, investigating all cases of suspected witness intimidation and ensuring that perpetrators are appropriately punished.**

**Non-discrimination**

13. The Committee regrets the lack of information provided regarding any plans for the adoption of a comprehensive anti-discrimination law and is concerned by the absence of complaints relating to discrimination or hate crimes in general, which may reveal a lack of public awareness of the legal remedies available, a lack of trust in the judicial system and fear of reprisals. While welcoming the adoption of the Equal Treatment in Employment Act, in 2022, which explicitly prohibits discrimination on the grounds of disability, sex, sexual orientation and gender identity, among others, the Committee is concerned about the lack of information on its implementation, including with regard to ensuring access to effective remedies for victims of discrimination, and that it does not apply to public servants (arts. 2, 19, 20 and 26).

14. **Bearing in mind the recommendations of the Committee on the Elimination of Racial Discrimination,<sup>5</sup> the State party should:**

(a) **Prioritize the drafting and adoption of a comprehensive anti-discrimination law, within a clear time frame and with the effective and meaningful participation of civil society organizations and Indigenous and tribal peoples, and ensure that the law explicitly prohibits both direct and indirect discrimination in the public and private spheres;**

(b) **Ensure the effective implementation of the Equal Treatment in Employment Act of 2022 and extend the scope of its application to include public servants;**

(c) **Take appropriate measures to ensure access to effective remedies for victims of discrimination, including by conducting targeted public information campaigns to raise awareness of the available avenues for redress.**

**Discrimination and violence on the grounds of sexual orientation and gender identity**

15. While welcoming the Court of Appeal ruling of January 2022 recognizing the right of transgender persons to the legal recognition of gender reassignment, the Committee is concerned that the prescribed requirements are excessively restrictive, lengthy and costly, constituting a barrier to legal gender recognition in practice, and that national law does not explicitly include gender identity in the list of prohibited grounds relating to discrimination and hate speech. The Committee is also concerned about the lack of legal recognition of same-sex couples, which results in same-sex couples facing discrimination, particularly with regard to access to social security and pension schemes. While noting the State party's indication that it has not received any complaints of discrimination, harassment or violence against lesbian, gay, bisexual and transgender persons, including by police, the Committee is concerned about credible reports indicating that such incidents occur on a regular basis, with violence against transgender persons and discrimination in access to health care being of particular concern (arts. 2 and 26).

16. **The State party should:**

(a) **Adopt appropriate legislation and policies to guarantee in law and in practice the right of transgender persons to the legal recognition of gender reassignment, including by removing excessive medical or procedural requirements and financial barriers;**

(b) **Explicitly include gender identity in the list of prohibited grounds relating to discrimination and hate speech, including by amending the Penal Code;**

(c) **Adopt appropriate legislation and policies to guarantee in law and in practice the legal recognition of same-sex couples, including by ensuring effective and non-discriminatory access to social security and pension schemes;**

(d) **Take appropriate measures to encourage the reporting of complaints of discrimination, harassment and violence against lesbian, gay, bisexual and transgender**

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<sup>5</sup> CERD/C/SUR/CO/16-18, para. 10.

persons, including by police, ensure that all such allegations are thoroughly investigated, that perpetrators are prosecuted and, if found guilty, adequately punished and that victims are provided with effective remedies;

(e) **Combat prejudice and hate speech against lesbian, gay, bisexual and transgender persons, including by providing appropriate training to judges, prosecutors, law enforcement and other officials on combating discriminatory attitudes towards these persons and by conducting awareness-raising activities aimed at the general public.**

#### **Gender equality**

17. While welcoming the adoption of the Gender Vision Policy Document 2021–2035, the Committee is concerned about the persistence of negative gender stereotypes and the continued low representation of women in public and political life, particularly in decision-making positions. While noting the State party's indication that the bill on the New Civil Code will soon be adopted, amending gender-discriminatory articles in the current Civil Code, including with regard to harmonizing and raising the minimum age of marriage, the Committee is concerned about the protracted delay in adopting the new Code, which has been in progress since before the Committee's previous review of the State party, in 2015, and in amending gender-discriminatory provisions in the Personnel Act of 1962 (arts. 3 and 26).

18. **The State party should:**

(a) **Reinforce efforts to address negative gender stereotypes and increase the representation of women in public and political life, particularly in decision-making positions, including by strengthening financial and human resources for the Bureau for Gender Affairs, in order to ensure the effective implementation, monitoring and evaluation of the Gender Vision Strategy 2021–2035;**

(b) **Expedite, as a matter of priority, the adoption of the New Civil Code, ensuring the removal of all gender-discriminatory articles in the current Civil Code, including with regard to harmonizing and raising the minimum age of marriage;**

(c) **Expedite the removal of gender-discriminatory provisions in the Personnel Act of 1962.**

#### **Violence against women and domestic violence**

19. While welcoming the adoption of the Violence and Sexual Harassment Act in October 2022, the Committee is concerned by the continued high prevalence of violence against women in the State party, including domestic violence, and regrets the reportedly weak implementation of its legislative framework, in particular the Law on Combating Domestic Violence of 2009. The Committee is concerned that only two shelters are currently available to assist victims of gender-based violence, both operated by non-governmental organizations, that they have insufficient funding and staffing and that the effectiveness of the four supervisory boards responsible for monitoring the implementation of the Law on Combating Domestic Violence is hampered by staffing issues. The Committee is also concerned that the Violence and Sexual Harassment Act does not apply to public servants, whose employment is regulated by the Personnel Act of 1962 (arts. 2, 3, 6, 7 and 26).

20. **The State party should:**

(a) **Systematically undertake prompt, impartial and effective investigations to identify perpetrators of violence against women, prosecute them and, if they are found guilty, punish them commensurately with the gravity of the crime;**

(b) **Strengthen the availability and accessibility of legal, social and psychological assistance for victims of gender-based violence and expand the number of shelters in order to ensure effective access for women throughout the territory of the State party and ensure the allocation of adequate funding;**

(c) **Operationalize and effectively implement the Law on Combating Domestic Violence and the Violence and Sexual Harassment Act, and extend the application of the latter to include public servants;**

(d) **Continue and expand the training of judges, prosecutors, lawyers and law enforcement officers on identifying and prosecuting cases of violence against women, and ensure that a victim-centred approach is applied in practice;**

(e) **Work together with civil society organizations to design and implement community-based support and case management mechanisms for victims of domestic violence, especially for areas of the country that lack formal institutions for reporting domestic violence;**

(f) **Conduct public awareness-raising campaigns targeting both men and women with a view to changing societal attitudes and eliminating patriarchal stereotypes that normalize violence against women.**

#### **Prohibition of torture and other cruel, inhuman or degrading treatment or punishment**

21. While welcoming the State party's ratification of the Convention against Torture in 2021, the Committee is concerned that the Penal Code lacks a comprehensive definition of torture and ill-treatment aligned with the Covenant and other relevant international standards. While noting that complaints are investigated by the police misconduct department, which reports to the Office of the Attorney General, the Committee regrets that the State party has not established an independent complaints authority to investigate allegations of torture and ill-treatment, including the use of excessive force, by law enforcement officers. The Committee also regrets the lack of comprehensive data provided on complaints received in this regard, particularly with regard to prisons and places of detention, and the apparent leniency of the sanctions imposed on police officers. The Committee further regrets the lack of data on reparations provided to victims of torture and ill-treatment, including rehabilitation and compensation (art. 7).

22. **Recalling paragraphs 23 and 24 of its previous concluding observations,<sup>6</sup> the Committee calls upon the State party:**

(a) **To amend the Penal Code to include a definition of torture that is fully in line with article 7 of the Covenant and other relevant international standards;**

(b) **To establish an independent complaint mechanism with the authority to investigate all reported allegations of torture and ill-treatment;**

(c) **To conduct prompt, thorough, effective, transparent and impartial investigations into all allegations of torture and ill-treatment, in line with the Istanbul Protocol, and ensure that perpetrators are prosecuted and, if convicted, punished appropriately and that victims receive full reparation;**

(d) **To establish a national preventive mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment and consider ratifying the Optional Protocol to the Convention against Torture;**

(e) **To strengthen the human rights training provided to judges, prosecutors and law enforcement officials, including on the Principles on Effective Interviewing for Investigations and Information-Gathering.**

#### **Liberty and security of person**

23. The Committee is concerned that persons arrested or detained on a criminal charge are not brought before a judge within 48 hours for review of the legality of detention and that they are not consistently informed of their right to legal counsel and promptly provided with access to such counsel. The Committee is also concerned that the Code of Criminal Procedure allows, in relation to certain categories of criminal offence, for judges and prosecutors to order temporary periods of denial of communication between detainees and their counsel in the interest of an ongoing investigation, provides no limit on the number of times that such

<sup>6</sup> [CCPR/C/SUR/CO/3](#).

periods can be renewed and allows for restrictions on the confidentiality of communications between suspect and counsel (art. 9).

**24. In the light of the Committee's general comment No. 35 (2014) on liberty and security of person, the State party should:**

(a) **Ensure that persons arrested or detained on a criminal charge are brought promptly before a judge or other officer authorized by law to exercise judicial power, within 48 hours, in order to bring their detention under judicial control;**

(b) **Ensure that all fundamental legal safeguards are guaranteed in practice to all persons deprived of their liberty from the very outset of the deprivation, including that they are informed of their right to legal counsel and promptly provided with access to such counsel;**

(c) **Review and consider repealing provisions in the Criminal Procedure Code that allow, in relation to certain categories of criminal offence, for the denial of communication between suspect and counsel and restrictions on the confidentiality of such communications where they are permitted in order to ensure their conformity with the rights guaranteed by the Covenant.**

25. The Committee is concerned by the frequency of recourse to pretrial detention, including as a result of the lack of an effective bail system, and that the duration of pretrial detention is often excessive and inadequately monitored. The Committee also regrets the lack of information provided by the State party on safeguards in place to ensure that the detention of children in the juvenile justice system is used only as a measure of last resort and for the shortest appropriate period of time (arts. 9 and 24).

**26. The State party should:**

(a) **Establish an effective bail system and guarantee the enjoyment of the right to bail for those entitled to it and ensure that pretrial detention is used only as an exceptional measure and for as short a time as possible;**

(b) **Increase the availability of and recourse to alternatives to pretrial detention in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules);**

(c) **Establish systematic judicial monitoring of the duration of pretrial detention;**

(d) **Ensure that the juvenile justice system takes into consideration the specific needs of children in conflict with the law and that the detention of children is used only as a measure of last resort, for the shortest appropriate period of time and subject to regular review, with a view to their release.**

#### **Treatment of persons deprived of their liberty**

27. The Committee is concerned that conditions, particularly in police holding cells, do not appear to meet international standards regarding the quality and quantity of food, water and sanitation. The Committee is also concerned about the reportedly high levels of violence in prisons and places of detention, particularly inter-prisoner violence, as well as the excessive use of force by police officers and prison guards and reports indicating that accused persons are frequently held in the same facilities as convicted persons, even if they are housed in separate cell blocks (art. 10).

**28. The State party should enhance its efforts to improve the conditions in places of deprivation of liberty, in line with the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). The State party should, in particular:**

(a) **Ensure the provision of food and water in sufficient quantity and quality and adequate sanitation to all persons deprived of their liberty;**

(b) **Prevent incidents of inter-prisoner violence, as well as the excessive use of force by police officers and prison guards, including by providing training to police officers and prison guards on de-escalation techniques and the identification of persons vulnerable to inter-prisoner abuse, and ensuring that the use of force, when necessary, is proportionate and in conformity with relevant international standards;**

(c) **Provide confidential internal reporting mechanisms, ensure that reports of inter-prisoner violence and the excessive use of force by police officers and prison guards are thoroughly and impartially investigated, that those responsible are adequately sanctioned, if convicted, and that victims are provided with appropriate remedies;**

(d) **Guarantee access to places of deprivation of liberty by independent monitoring and oversight mechanisms, ensuring that the national human rights institute, once established, is able to carry out the independent and effective monitoring of all places of deprivation of liberty, including through regular and unannounced visits;**

(e) **Ensure the effective segregation of accused and convicted persons.**

29. While noting the State party's assurance that health care is provided free of charge to all persons deprived of their liberty and pending the conclusion of an agreement with the State health insurance scheme to formalize such provision, the Committee is concerned at reports indicating the poor quality of the health care provided and, in some cases, the lack of access to care, including the limited availability of mental health care. While noting the State party's assurance that appropriate public health measures were taken to address the spread of the COVID-19 virus in prisons and places of detention, the Committee is concerned at reports indicating that overcrowding and a lack of sanitation in places of detention contributed to the spread of the virus and regrets the lack of information received from the State party on measures taken to prevent and prepare for future health emergencies, including to ensure that effective oversight mechanisms are in place for monitoring conditions in places of deprivation of liberty (art. 10).

30. **The State party should ensure adequate access to health care, including mental health care, for all persons held in places of deprivation of liberty. It should also put into place public health emergency prevention and preparedness planning for places of deprivation of liberty, including by providing appropriate training for police officers and prison guards, strengthening sanitation provision and protocols and related contingency plans, preventing overcrowding and ensuring that effective oversight mechanisms are in place.**

#### **Trafficking in persons**

31. The Committee welcomes the steps taken by the State party to counter trafficking in persons and enhance the assistance provided to victims, including the establishment of a long-term shelter and the adoption of victim identification and referral protocols. Nevertheless, the Committee is concerned about the continued prevalence of trafficking in persons, including children, for purposes of commercial sex exploitation and labour exploitation and the lack of resources available to implement the national action plan on trafficking in persons for the period 2023–2024. The Committee is concerned, in particular, about the low number of convictions for trafficking in persons and the lack of detailed information from the State party on remedies provided to victims and on training provided to law enforcement and immigration and judicial officials (arts. 2, 7, 8 and 26).

32. **The State party should:**

(a) **Ensure that sufficient funding is allocated for the effective implementation of the national action plan on trafficking in persons;**

(b) **Enforce anti-trafficking legislation by conducting gender- and age-sensitive investigations and ensuring that perpetrators are prosecuted and, if found guilty, punished with appropriate penalties;**



(c) **Strengthen and expand training for law enforcement, immigration and judicial officials on standards for the early identification and referral of trafficking victims to appropriate services for assistance and rehabilitation;**

(d) **Provide victims with effective remedies, including protection, rehabilitation and compensation;**

(e) **Expand the number of shelters to provide effective access throughout the State party and ensure the provision of adequate legal, medical and psychosocial assistance in those shelters.**

#### **Migrants, asylum-seekers and refugees**

33. While noting that the State party is a party to the Convention relating to the Status of Refugees and cooperates with the Office of the United Nations High Commissioner for Refugees in the processing of asylum requests, and that registered asylum-seekers and refugees can obtain residency permits and formal employment, the Committee is concerned that the State party has not adopted legislation and procedures to ensure effective access to asylum procedures, including facilitated access to asylum procedures at points of entry and in detention facilities. The Committee also regrets the lack of information on measures to ensure that immigration detention is always a measure of last resort applied for the shortest possible period, that the maximum limit of 30 days provided for in article 28.2 of the Aliens Act is respected in practice or that detained migrants are provided with effective access to appeal their detention (arts. 7, 9, 12, and 13).

34. **The State party should:**

(a) **Strengthen the legislative framework and establish formal procedures to identify persons with international protection needs and to determine refugee status, in line with the Convention relating to the Status of Refugees;**

(b) **Facilitate effective access to asylum procedures for all who intend to seek asylum in the State party, including at points of entry and in detention facilities, with full respect for due process, including the right to appeal;**

(c) **Ensure that immigration detention is always a measure of last resort applied for the shortest possible period, that statutory limits to the duration of immigration detention are respected in practice and that detained migrants are provided with effective access to appeal their detention.**

#### **Birth registration and statelessness**

35. The Committee is concerned that there are still barriers to access to birth registration in the State party, including a lack of awareness and of availability of the procedure in remote areas of the country, in particular with regard to migrant workers. It is also concerned about the lack of laws and procedures for determining statelessness in the State party (arts. 2, 24 and 26).

36. **The State party should take appropriate measures to ensure that all children born in its territory are registered and receive an official birth certificate, including by ensuring that birth registration procedures are accessible to persons unable to speak the official language. It should also carry out campaigns, particularly in remote areas of the country, to raise awareness of the birth registration procedure and the importance of birth registration for all children, including children born to migrant workers in both regular and irregular situations. The State party should establish a statelessness determination procedure and consider acceding to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.**

#### **Access to justice, independence of the judiciary and fair trial**

37. With reference to its previous concluding observations,<sup>7</sup> the Committee welcomes the steps taken by the State party to strengthen the judicial system and increase access to justice,

<sup>7</sup> Ibid., paras. 33, 34, 39 and 40.

including ongoing initiatives to train judges and prosecutors and decentralize the justice system, and plans to reinforce judicial independence by establishing a separate entity within the High Court of Justice with its own budgetary authority. The Committee is concerned, however, by reports indicating continuing shortcomings, notably including funding and late payment issues affecting the legal aid system and the provision of interpretation and translation services and other expert services required for some cases. The Committee is also concerned about the obstacles to access to justice for Indigenous and tribal peoples, including the lack of recognition of collective legal personality or collective rights, as well as geographical, cost, language and educational barriers. Furthermore, the Committee regrets the lack of detailed information provided by the State party on the enforcement of the Code of Conduct for Judges, established in 2015, including information relating to complaints of judicial misconduct and their outcomes (art. 14).

**38. The State party should continue and expand measures to furnish the justice system with appropriate human and financial resources, strengthen the independence of the judiciary and enhance access to justice for all persons subject to its jurisdiction. In particular, the State party should:**

(a) **Implement and expand ongoing initiatives to decentralize the judicial system, including through the establishment of Legal Aid Bureau offices and the holding of judicial proceedings in remote areas of Suriname, with a particular emphasis on addressing practical challenges faced by Indigenous and tribal peoples in obtaining access to justice;**

(b) **Enact legislation on the rights of Indigenous and tribal peoples, recognizing their legal personality and standing before the law, including the recognition of collective legal personality and collective rights;**

(c) **Ensure adequate funding and efficient payment systems for the provision of legal aid and interpretation and translation services and other expert services;**

(d) **Ensure the effective enforcement of the Code of Conduct for Judges, including the complaint procedure for cases relating to judicial conduct, ensuring that the public is informed of the outcomes.**

#### **Freedom of expression**

39. Recalling its previous concluding observations,<sup>8</sup> the Committee remains concerned by reports of intimidation, harassment and arbitrary arrests of journalists, in particular those expressing criticism of the executive branch of the Government or investigating high-level corruption. It is particularly concerned that defamation is still criminalized and punished with the deprivation of liberty, including vaguely defined offences in the Penal Code, such as “insulting the Head of State”, which may discourage the media from publishing critical information on matters of public interest. The Committee notes the State party’s indication that a draft freedom of information act is under discussion but regrets the lack of information on its content and the time frame for its adoption (arts. 7, 9 and 19).

**40. In the light of the Committee’s general comment No. 34 (2011) on the freedoms of opinion and expression, the State party should take adequate measures to protect freedom of expression, in particular:**

(a) **Repeal or amend articles in the Penal Code that unduly restrict the right to criticize the executive branch of the Government and public authorities, including those relating to such vaguely defined offences as “insulting the Head of State”;**

(b) **Consider decriminalizing defamation and restrict the application of criminal law to the most serious defamation cases, bearing in mind that imprisonment is never an appropriate penalty for defamation;**

(c) **Ensure that all allegations of intimidation, harassment and arbitrary detention of journalists and human rights defenders, including those working on anti-corruption or other issues of public interest, are investigated promptly and**

<sup>8</sup> Ibid., paras. 41 and 42.

**effectively, that perpetrators are prosecuted and, if found guilty, punished with adequate sanctions and that victims are provided with effective remedies;**

**(d) Proceed with the adoption of a freedom of information act that is in line with relevant international standards, following meaningful consultation with all relevant stakeholders, and ensure its effective implementation.**

#### **Right of peaceful assembly**

41. While noting the delegation's statement that, with regard to public assemblies, the Government has to guarantee the safety of the protestors, the Committee is concerned that article 49 of the Police Penal Code, which requires prior authorization for all public assemblies and provides for criminal penalties, including imprisonment for unauthorized assemblies, contravenes article 21 of the Covenant, as interpreted by the Committee in paragraphs 70–73 of its general comment No. 37 (2020) on the right of peaceful assembly. The Committee is also concerned about the insufficient information received from the State party in relation to the criminal prosecution of organizers of and participants in the protest that took place in Paramaribo on 17 February 2023, specifically with regard to ensuring that protest organizers and participants in peaceful assemblies are not routinely held responsible for damage caused by other participants in an assembly.<sup>9</sup> The Committee is also concerned that the reported failure to authorize a follow-up protest on 24 March 2023 created a chilling effect and low participation, with potential participants fearing criminal prosecution and imprisonment (art. 21).

**42. In the light of the Committee's general comment No. 37 (2020), the State party should review and consider amending its legislation and practices to ensure that individuals fully enjoy their right of peaceful assembly and to guarantee that any restrictions of that right comply with the strict requirements of article 21 of the Covenant. In particular, it should not subject the exercise of the right of peaceful assembly to a prior authorization requirement and should ensure that protest organizers and participants in assemblies are not, as a general rule, held responsible for damage caused by other participants in an assembly. The State party should also provide appropriate training on relevant international standards for public officials and law enforcement officers.**

#### **Rights of the child**

43. The Committee welcomes the various measures that the State party has taken to prevent and address child abuse, including sexual abuse, notably in the framework of the National Action Plan for Children 2019–2021, such as awareness-raising programmes among various sectors of society, the establishment of child protection hotlines and the drafting of a bill on foster care, among others. The Committee is concerned, however, about reports indicating that children in the State party still suffer a high rate of physical and mental abuse and regrets the lack of information received regarding measures taken to ensure that cases of child abuse are effectively investigated, that perpetrators are prosecuted and sanctioned and that child victims have access to adequate remedies, including specialized care. The Committee notes the State party's indication that the prohibition of corporal punishment and mental abuse by parents in the upbringing of their children will be included in the draft New Civil Code but regrets that corporal punishment has not yet been prohibited in all settings (arts. 23, 24 and 26).

**44. The State party should take effective measures to ensure that all cases of child abuse are effectively investigated, that perpetrators are prosecuted and, if found guilty, sanctioned commensurately with the gravity of the crime and that child victims have access to adequate remedies, including specialized care. The State party should also take appropriate steps to put an end to the corporal punishment of children in all settings, including by prohibiting corporal punishment by parents in the draft New Civil Code. The State party should encourage non-violent forms of discipline as**

<sup>9</sup> General comment No. 37 (2020), para. 65.

**alternatives and should conduct public information campaigns to raise awareness about the harmful effects of corporal punishment.**

#### **Participation in public affairs**

45. The Committee is concerned that Indigenous and tribal peoples are not sufficiently included in public affairs, in particular political decision-making, and that amendments in 2023 to the Constitution and electoral regulations following the Constitutional Court's 2022 ruling may further reduce the ability of Indigenous and tribal peoples to influence public policy. The Committee is also concerned about: (a) the lack of information provided by the State party on measures taken or envisaged to ensure the effective implementation of the amended electoral regulations prior to the national elections scheduled for May 2025; and (b) the introduction of high financial deposits for political parties to register for the elections, which may prevent smaller parties from participating (arts. 25 and 26).

**46. The State party should recognize the traditional authorities of Indigenous and tribal peoples and ensure their meaningful inclusion at the local and national levels in policy development and political decision-making, in particular on matters affecting their interests. The State party should also take appropriate measures to ensure the effective implementation of the recently amended electoral regulations ahead of the national elections to be held in 2025 and ensure that registration deposit requirements do not prevent smaller political parties from participating in the elections.**

#### **Rights of persons belonging to minorities**

47. Recalling its previous concluding observations<sup>10</sup> and the concluding observations adopted by the Committee on the Elimination of Racial Discrimination in 2022,<sup>11</sup> the Committee remains concerned that Indigenous and tribal peoples are not sufficiently consulted on decisions that have an impact on their rights, notably as regards obtaining their free, prior and informed consent for the granting of concessions, extractive licences or easements on or near their traditional lands, including for the exploitation of minerals, forests and oil and gas deposits. The Committee is particularly concerned about the long delay in finalizing and adopting the draft Indigenous and Tribal Peoples' Collective Rights Act, which would protect their collective land rights, and reports indicating that the State party is selling or leasing public lands to private entities before the act is adopted, raising concerns that public lands claimed by Indigenous and tribal peoples could be affected. The Committee is also concerned by information received from the State party that judgments of the Inter-American Court of Human Rights regarding the rights of Indigenous peoples, particularly in the cases of *Moiwana Community v. Suriname* (2005), *Saramaka People v. Suriname* (2007) and *Kaliña and Lokono Peoples v. Suriname* (2015), have been only partially implemented (arts. 1, 2 and 27).

**48. Echoing the concluding observations adopted by the Committee for the Elimination of Racial Discrimination and recalling the United Nations Declaration on the Rights of Indigenous Peoples, the Committee calls upon the State party:**

(a) **To expedite the adoption, within a clear time frame, of the draft law on the collective rights of Indigenous and tribal peoples and the demarcation of their lands, territories and resources, with the effective and meaningful participation of Indigenous and tribal peoples;**

(b) **To ensure that no State-held land claimed by Indigenous and tribal peoples is sold or leased to private entities until the collective land rights of Indigenous and tribal peoples have been recognized in the above-mentioned draft law;**

(c) **To adopt measures to ensure meaningful consultation with Indigenous and tribal peoples on any current or future projects or legislative or administrative measures that may affect their lands, territories and resources, including by adopting a**

<sup>10</sup> Ibid., paras. 47 and 78.

<sup>11</sup> CERD/C/SUR/CO/16-18, paras. 19–24.

comprehensive legislative framework for obtaining their free, prior and informed consent;

(d) To take measures to ensure restitution to Indigenous and tribal peoples of their traditional lands, territories and resources that have been confiscated, occupied, used or damaged without their free, prior and informed consent and, only where this is not possible, to provide them with just and fair compensation;

(e) To ensure the full implementation of the judgments of the Inter-American Court of Human Rights regarding the rights of Indigenous and tribal peoples.

#### **D. Dissemination and follow-up**

49. The State party should widely disseminate the Covenant and the first Optional Protocol thereto, its fourth periodic report and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public, including Indigenous and tribal peoples. The State party should ensure that the periodic report and the present concluding observations are translated into the official language of the State party.

50. In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 23 July 2027, information on the implementation of the recommendations made by the Committee in paragraphs 12 (fight against impunity, and past human rights violations), 26 (liberty and security of person) and 48 (rights of persons belonging to minorities).

51. In line with the Committee's predictable review cycle, the State party will receive in 2030 the Committee's list of issues prior to submission of the report and will be expected to submit within one year its replies, which will constitute its fifth periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2032.

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