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Report on the Republic of Suriname to the 25th Session of the Universal Periodic Review,
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ANNEX

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Introduction

1. Suriname, the smallest independent country in South America, borders the Atlantic Ocean to the north, Guyana to the west, Brazil to the south, and French Guyana to the east. With a surface area of approximately 163,820 square kilometers,¹ Suriname is divided into ten districts.² The Sipaliwini District, located in the interior of the country is where many of the indigenous groups of Suriname reside.³

2. Suriname was discovered by Spain in 1499, settled by England in 1650, and captured by the Dutch in 1667.⁴ The colony's economy was originally dependent upon plantation agriculture and African slaves. After slavery was abolished in 1863,⁵ workers were brought in from British India and Java. Suriname gained its independence from the Netherlands on November 25, 1975.⁶ While Dutch is still the official language of Suriname, at least 15 different languages are spoken in Suriname, including various tribal and indigenous languages.⁷

I. Education

A. Challenges and Obstacles

3. In Article 28, the Convention on the Rights of the Child (CRC) recognizes the right to education on the basis of equal opportunity and the responsibility of the State to make secondary

¹ *Country Profile: Suriname*, UNDATA, <http://data.un.org/CountryProfile.aspx?crName=Suriname> (last visited July 7, 2015).

² Comm. Of the Elimination of Racial Discrimination, *Reports Submitted by States Parties under Article 9 of the Convention: Twelfth Periodic Reports of States Parties Due in 2007: Addendum: Suriname*, page 3, CERD/C/SUR/12 (Jan. 31, 2008) [hereafter *2008 CERD Addendum*].

³ Districts of Suriname, WIKIPEDIA, http://en.wikipedia.org/wiki/Districts_of_Suriname (last visited July 7, 2015).

⁴ *2008 CERD Addendum*, supra note 3, at page 3.

⁵ *Id.*

⁶ *Saramaka People v. Suriname*, Preliminary Objections, Merits, Reparations, and Costs, Judgment, Inter-Am Ct. H.R. (ser. C) No. 172, ¶ 60 (Nov. 28, 2007) [hereafter *Saramaka*].

⁷ *2008 CERD Addendum*, supra note 3, at page 4.

education available and accessible to every child, taking measures such as providing free education and financial assistance when there is need. However, primary school is the highest level attained for 43% of the population of Suriname⁸. There is still great disparity in education between the rural interior and the urban regions. This is reflected in the large disparity between average years of schooling for the urban and rural districts: urban Parimaribo has an average of over 9 years of schooling while rural Sipaliwini has an average of less than 3 years and rural Brokopondo has an average of less than 6 years.⁹ This disparity is also reflected in adult literacy rates; for example, the literacy rate for adult women in urban areas is 96% while it is 45% in Sipaliwini.¹⁰ According to interviews, although some children are able to access limited residential services that are provided by NGOs or religious organizations, the lack of post-primary education in the interior and lack of governmental support for children to study in the city places a particularly high burden on indigenous and tribal children attempting to achieve an education.¹¹ Children with physical or mental disabilities also continue to face many challenges, including inadequate institutional care and lack of opportunities to have an adequate education.¹²

4. The CRC provides that indigenous children shall not be denied the right to enjoy their own culture and use their own language in Article 30. The DRIP recognizes the right of indigenous peoples to establish and control their educational systems and institutions and provide education in their own languages, in a manner appropriate to their cultural methods of teaching and learning (Art. 14) and the responsibility of the state to take effective measures to ensure that indigenous individuals have access to an education in their own culture and provided in their own language (Art. 13). However, there is no indication that the government of Suriname has

⁸ National Bureau for Gender Policy, Ministry of Home Affairs of the Republic of Suriname, *National Review of Beijing Declaration and Platform for Action + 20 Suriname*, p. 19, (May, 2014) [hereinafter *2014 Beijing Report*].

⁹ United Nations Development Programme Country Office Suriname, *Human Development Atlas Suriname*, p. 38, (2013) [hereinafter *Human Development Atlas Suriname*].

¹⁰ *Human Development Atlas Suriname*, p.104.

¹¹ Interviews with Indigenous and Maroon representatives.

¹² *2014 Beijing Report*, p. 43.

provided for consultation with indigenous and tribal communities regarding educational curricula or made progress in incorporating indigenous and tribal language and culture in education. While Suriname referred to region-specific curricula and plans to introduce distance learning programs in 2011¹³, in 2013 Suriname reported that it is was not possible to offer higher education in the interior and that there was no policy to introduce local languages in schools.¹⁴

B. Best Practices

5. Article 49 of the ACHR provides that States ensure the effective exercise of the right to education, that elementary education be compulsory and free of charge and that the middle level of education be extended to as much of the population as possible. Article 26 of the UN DHR declares that children have a right to free and compulsory elementary education. The Constitution of Suriname is supportive of these rights and guarantees equal protection under the law without discrimination (Art. 8), recognizes a right to access to education (Art. 37), a right to education and cultural expression (Art. 38), the right of all citizens to education (Art. 39), and the obligations of the state to offer equal access to education to all and to guarantee compulsory and free elementary education.

6. In 2014, Suriname renewed its commitment to Millennial Development Goals which include achieving Universal Primary Education (Goal 2) and has proposed actions with the goal of reducing inequity between geographical areas for all the education indicators and improving

¹³ UN Human Rights Council Working Group on the Universal Periodic Review, *National Report Submitted in Accordance with Paragraph 15(a) of the Annex to Human Rights Council Resolution 5/1: Suriname*, para. 91, A/HRC/WG.6/11/SUR/1 (May 13, 2011) [hereinafter *2011 UPR Report Suriname*].

¹⁴ United Nations Human Rights Committee, *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant: Third Periodic Reports of States Parties Due in 2008: Suriname*, para. 97, 247, CCPR/C/SUR/3 (Oct. 8, 2013) [hereinafter *2013 CCPR Consideration*].

the quality of education.¹⁵ Both Suriname's net enrollment ratio and proportion of pupils who enroll in grade 1 and reach grade 6 show progress toward achieving the goal of universal primary education, although there is still a marked disparity between urban and interior districts¹⁶. Suriname has eliminated all primary and secondary school fees and provides free transportation for children who must travel to attend school.¹⁷ Suriname has also implemented new programs to provide after-school care for primary and secondary students and scholarships for higher education.¹⁸ In its 2011 national report for the Universal Periodic Review Working Group, Suriname also described programs to improve education, including the following: (i) a teacher training college program to motivate teachers to work in the interior; (ii) a construction program to prioritize building schools in the interior; (iii) a child friendly school project to improve water and sanitation facilities; and (iv) efforts to improve schools in the interior, including the introduction of distance-learning programs.¹⁹ These programs show the admirable educational goals to which Suriname has committed, but there is little information on their progress or implementation. In 2013, Suriname reaffirmed its commitment to the welfare of children, including those with disabilities, and to increasing the number of schools and the child-friendly approach and reported that it had improved social services and provided subsidies for school supplies and child allowance; however, no specific programs for disabled children were

¹⁵Ministry of Foreign Affairs of the Government of the Republic of Suriname, *MDG Progress Report 2014*, p. 151 (November 2014).

¹⁶ The 2010 Multiple Indicator Cluster Survey reported that (1) the net enrollment ratio for ages 6-11 was 97% in urban areas and 94% in rural areas, but the proportion observed specifically in rural areas was 90%; (2) the rate of pupils who reached grade 6 was 96% overall, 91% for the rural interior, and 89% for the Brokopondo district. Ministry of Social Affairs and Housing and General Bureau of Statistics, Government of the Republic of Suriname, *Suriname Multiple Indicator Cluster Survey 2010, Final Report*, p. 125, 131 (2012).

¹⁷ *2013 CCPR Consideration*, para. 247.

¹⁸ Statement by Winston Guno Lackin, Minister of Foreign Affairs of the Republic of Suriname, at the General Debate of the 69th Session of the United Nations General Assembly, Sept. 30, 2014, New York. Last accessed July 9, 2015 at <http://www.un.org/en/ga/69/meetings/gadebate/30sep/suriname.shtml>.

¹⁹ *2011 UPR Report Suriname*, para. 87-91.

described.²⁰ While Suriname has not formally passed legislation against corporal punishment, the Ministry of Education has instituted a policy against corporal punishment in schools and plans to extend compulsory education by law to the age of 15 years (currently, education is compulsory to age 11).²¹

II. Health/Environment/Gold Mining

A. Challenges and Obstacles

7. According to the 12th periodic report submitted by the Republic of Suriname to the Committee on the Elimination of Racial Discrimination, some 57,086 people are living in the interior forests of Suriname. These people are largely of indigenous Amerindian or tribal Maroon descent, and live in a number of villages spread throughout the rain-forested interior. The people of these villages are provided primary health care by Medical Mission, a non-governmental organization (NGO) operating within Suriname and funded largely by the government.²² There are 54 clinics operating in the interior, staffed by a small number of doctors, a single dentist, nurses, and medical aides. Healthcare assistants, who are trained in and speak the languages of the villages in which they operate, provide most medical service. Overall, Medical Mission has only 233 employees, nearly a third of which are administrative and technical personnel.²³

8. Interviews with indigenous leaders in Suriname revealed that often doctors only come to the village clinics once a month for a period of two hours.²⁴ They also reported that the doctors and assistants often have problems treating indigenous patients, as they do not speak the languages of the indigenous populations of the interior.²⁵ Another problem mentioned in

²⁰ 2013 CCPR Consideration, para. 246.

²¹ Nat'l Review of Beijing Declaration, ministry of home affairs, May 2014

²² 2008 CERD Addendum, *supra* note 3, at page 21.

²³ *Id.* at 19.

²⁴ Interviews with Indigenous Representatives.

²⁵ *Id.*

interviews was that of access to adequate medical supplies, namely supplies for those who suffer from diabetes.²⁶

9. People in the interior needing more than primary medical care must be transported, most often by air, to one of the hospitals along the coastal regions of Suriname. This occurs nearly 400 times a year.²⁷ The government, in its CERD periodic report submitted in January 2008, stated that it was working to open more hospitals and clinics to provide services in rural and interior areas.

10. The government of Suriname reported that roughly \$108 (US) is spent per capita on health care each year; however, the amount spent on average on indigenous populations within the interior is only about \$44 (US) per capita.²⁸

11. Children in the interior are more likely to be malnourished than children in the coastal cities, with almost 25% of children suffering from “mild to severe chronic malnourishment,” as opposed to only 10% in the coastal areas.²⁹

12. The government of Suriname has continued to grant unregulated mining concessions within the interior to many small-scale gold mining operations. Small-scale operations often still use mercury amalgamation as a method of extracting gold. Using mercury amalgamation, liquid mercury is used to bind small flaked or particles of gold found in the soil and in the riverbeds into larger chunks. Once the gold is bound to the mercury, miners melt the gold/mercury mixture down, separating the two metals and keeping the gold but draining up to 60 metric tons of

²⁶ *Id.*

²⁷ 2008 CERD Addendum, *supra* note 3, at page 20.

²⁸ VIDS Report, *supra* note 22, at page 20.

²⁹ Comm. on the Rights of the Child, *Consideration of Reports of States Parties (continued): Second Periodic Report of Suriname (continued)*, page 3, CRC/C/SR.1215 (Feb. 19, 2007) [hereinafter 2007 CRC Suriname Consideration].

mercury “runoff” into waterways annually.³⁰ The effect of these operations is that in the interior, certain groups of indigenous and Maroon people are at a high risk for mercury poisoning and accompanying health problems.

13. A 2001 report showed mercury levels in tribal villages hundreds of times higher than WHO safety limits.³¹ The state has so far done nothing to mitigate the effects of gold mining on indigenous and Maroon villages in the interior.

14. After years of being researched, many interior peoples were starting to feel results of “research fatigue.” Disillusionment and resentment of foreigners and outsiders grew, as these groups would routinely come to their villages to study things like mercury contamination levels, and then leave without publishing results or even disclosing data to the local villagers.³² Researchers in the past have experienced intimidation from the Surinamese government, and threats of “dire consequences” if material was published that would shed light on the plights of these indigenous and Maroon populations living in proximity to government-sanctioned mining operations.³³ The government has itself stated that the only people who could possibly be exposed to mercury from amalgamation mining operations were the miners themselves.³⁴

15. The NGO Suriname Indigenous Health Fund (“SIH Fund”) has worked with village leaders in the interior to test hair samples from various indigenous village populations.³⁵ Results of these tests indicated that the majority of people living in villages near certain rivers were at “high risk” of mercury poisoning,³⁶ and that many of these people had mercury levels within

³⁰ *Mercury Pollution from Mining*, SIH FUND, www.sihfund.org (last visited July 9, 2015).

³¹ *VIDS Report*, *supra* note 22, at page 19.

³² Interview with Indigenous Representatives.

³³ See DAN PELOW ET.AL., *Community-Led Assessment of Risk from Exposure to Mercury by Native Amerindian Wayana in Southeast Suriname* 5 (submitted to PAN AM J. PUBLIC HEALTH on May 12, 2010) (on file with authors).

³⁴ *VIDS Report*, *supra* note 22, at page 19.

³⁵ See DANIEL PELOW & SARAH AUGUSTINE, *Community-Directed Risk Assessment of Mercury Exposure from Gold Mining in Suriname*, PAN AM. J. PUBLIC HEALTH 22(3), 202-210 (2007).

³⁶ *Id.* at 206.

their bodies more than double the WHO recommended safe level of mercury exposure.³⁷ The people in these villages were able to conduct the studies largely on their own, and were given the resulting data to interpret themselves, with help from a very few scientists.³⁸ The village leaders hope that these studies will be published in an accredited, peer-reviewed journal.³⁹

B. Best Practices

16. Suriname continues to participate in the World Health Organization's "Roll Back Malaria" initiative with great success,⁴⁰ and is also part of the Amazon Malaria Initiative.⁴¹ Though both of these programs include funding from other countries and NGOs, the government's efforts to eliminate the threat of malaria within Suriname has been extraordinary.

III. Land Rights and Recognition

A. Challenges and Obstacles

17. In 2009, the CERD Committee, in its Concluding Observations, made the following recommendations: (1) Suriname [should] ensure legal acknowledgment of the collective rights of indigenous and tribal peoples-known locally as Maroons-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; (2) Suriname [should] initiate steps towards the full implementation of the [Inter-American Court of Human Rights in the *Saramaka People* case] orders according to the set implementation timeline; (3) CERD was concerned that the draft mining act 2004 was still in Parliament and, according to information before it, that mining licenses continued to be

³⁷ *Id.*

³⁸ *Id.* at 203.

³⁹ Interview with Indigenous Representative.

⁴⁰ World Health Organization, *World Malaria Report 2009*, Chapter 3, (2009) [hereinafter *Malaria Report*], available at <http://www.who.int/malaria/publications/atoz/9789241563901/en/index.html>.

⁴¹ See AMI Countries, AMAZON MALARIA INITIATIVE, <http://usaidami.org/countries.shtml> (last visited July 9, 2015).

granted by the Ministry of Natural Resources to enterprises without prior consultations with or providing information to indigenous and tribal peoples. The Committee also raised this concern in 2006 under its early warning and urgent action procedure. CERD invited Suriname to update and approve the draft-mining act in conformity with the Committee's previous recommendations made in 2004 and 2005.⁴²

18. In the 2011 Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya noted that CERD urged Suriname to “[e]nsure legal acknowledgement of the rights of indigenous and tribal peoples to possess, develop, control and use their communal lands and to participate in the exploitation, management and conservation of the associated natural resources; [and] strive to reach agreements with the peoples concerned, as far as possible, before awarding any concessions.”⁴³ Further, Anaya noted the Human Rights committee, which monitors compliance with the ICCPR, “expressed concern over ‘the lack of legal recognition and guarantees for the protection of indigenous and tribal rights to land and other resources’, and stated that ‘it regrets that logging and mining concessions in many instances were granted without consulting or even informing indigenous and tribal groups, in particular the Maroon and Amerindian communities.’”⁴⁴ It recommended that Suriname guarantee the members of indigenous communities the full enjoyment of all the rights recognized by article 27 (rights of minorities) of the Covenant and adopt specific legislation for this purpose. It also recommended that ‘[a] mechanism to allow for indigenous and tribal peoples to be consulted and to participate in decisions that affect them should be established.’”⁴⁵

⁴² 2009 CERD Observations, *supra* note 40, ¶¶ 12, 14, 18.

⁴³ *Id.* at ¶ 14.

⁴⁴ *Id.*

⁴⁵ *Id.* at ¶ 13.

19. The United Nations Declaration on the Rights of Indigenous Peoples, of which Suriname supports, represents customary international law about the “content of the rights of indigenous peoples and, by implication, of tribal peoples as well.” Specifically in relation to the rights of indigenous and tribal peoples to lands and resources, the Declaration affirms that “Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired. The Declaration requires States to “give legal recognition and protection of these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.” Further, “States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.”

B. Best Practices

20. Although Suriname has taken some initial steps, it has not yet fully set up and transferred funds for the Saramaka people to compensate them for material and non-material damages.⁴⁶ Suriname did make the positive step of requesting the technical and advisory assistance of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous

⁴⁶ See RICHARD PRICE, *RAINFOREST WARRIORS: HUMAN RIGHTS ON TRIAL* (Bert B. Lockwood, Jr. ed., 2011) for a detailed account of the *Saramaka* case before the Inter-American Court, at 223.

peoples in implementing the judgment of the *Saramaka* case, especially to help draft and adopt legislative and administrative measures.⁴⁷ Though this invitation was accepted in November 2008, as of September 2009 there had been no further interaction between the government of Suriname and the Special Rapporteur, and no further information regarding contact between the two parties has been made available.⁴⁸

21. As set forth in Article 41 of the Suriname Constitution and Article 2 of the Mining Decree of 1986, natural resources and minerals are the property of the state. Any entity wishing to extract minerals or develop and exploit natural resources must gain approval of the state first. Obtaining a concession in the interior requires submitting an application to the Geological Mining Institution for review. The State-land Office, the District Governor (Ministry of Regional Affairs), and District Commissioner (Ministry of Natural Resources) will also review applications later in the process.⁴⁹ Indigenous and tribal peoples also have the right to apply for concessions through this process.⁵⁰

⁴⁷ U.N. Human Rights Council, *Promotion and Protection of All Human Rights: Economic, Social, Civil, and Political, Including the Right to Development: Report by the Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous Peoples, James Anaya: Addendum: Summary of Communications Transmitted and Replies Received*, ¶¶ 498-500, A/HRC/12/34/Add.1 (Sept. 18, 2009).

⁴⁸ *Id.* at ¶¶ 501-502.

⁴⁹ 2008 CERD Addendum, *supra* note 3, at pages 23-25.

⁵⁰ There are indications, however, that these procedures designed to protect the rights of the indigenous and tribal peoples are not always adequately followed. The CERD Committee has states its concern that “mining licenses continue to be granted by the Ministry of Natural Resources to enterprises without prior consultation with or providing information to indigenous and tribal peoples. These lapses are largely due to ineffective communication with proper indigenous and tribal representatives and a lack of knowledge regarding the rights and territorial boundaries of the indigenous and tribal peoples on the part of the government officials.